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THE LEAGUE'S BUSINESS

League Membership Pronounced Illegal Expenditure of Public Funds.—The *Dayton* (Ohio) *Review* of February 14 carried the following item:

> Apparently the city of Dayton is spending $5 a year illegally. Attorney General Gilbert Bettman has ruled that membership fees paid to the National Municipal League or other similar organization by cities are illegal.
>
> The city of Dayton holds a $5 annual membership in the National Municipal League, by which it is informed of activities in other cities which are members of the organization, and receives other data of value.

As far as known, the attorney general has not prohibited the city of Dayton, or any other Ohio city, from spending public funds for subscription to a magazine and other publications. The ruling by the attorney general is in the nature of a tribute to the National Municipal League and also shows how carefully expenditures are accounted for under the city manager plan of government.

*

League Publication Reprinted in Japanese.—The publications of the League are finding a wider sphere of influence year by year. *Modern City Planning* by Thomas Adams has now been reprinted in Japanese by the Tokyo Institute for Municipal Research.

*

New Monograph on Public Borrowing.—Early this month the League will publish a monograph on *Public Borrowing* by Paul Studensky, lecturer on public finance at New York University. This monograph has a foreword by Professor E. R. A. Seligman of Columbia University. The book is a careful discussion of the history of public borrowing and a study of the trend of expenditures for permanent improvements in states and cities. After setting forth the principles which should be followed by a government in respect to the term of loans, the consolidation and budgeting of bond issues, and the necessary legal restrictions, Dr. Studensky's study ends with a new proposal in which he advocates that borrowing should be combined with taxation in the financing of permanent improvements.

This monograph may be obtained from the League office for $2 per copy.

*

Convention Publicity.—Up to March 1 we had received over 6,000 column inches of newspaper publicity on our convention held at Chicago last November. Since our press clipping services cover only part of the newspaper field, we may conclude that our last meeting received much greater attention in the press than any previous gathering. In addition to convention publicity, our press clippings contained over 4,000 column inches of general news items on the League's work during the past three months.

*

Princeton Establishes School of Public and International Affairs.—Princeton University has recently announced the establishment of a School of Public and International Affairs which will train young men for a career in the public service at home or abroad. H. W. Dodds, editor of the NATIONAL MUNICIPAL REVIEW, is chairman of the administrative committee which will direct the affairs of the new school.

RUSSELL FORBES, *Secretary.*

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EDITORIAL COMMENT

The fundamental sanity of modern city planning legislation is again indicated by a fresh decision of the New York Court of Appeals. In *Village of Lynbrook* v. *Cadoo* (169 N. E. 394) the court sustained the provision of the village planning law, passed in 1926, governing the approval of plats, and ordered the county clerk to remove from record a map filed by a private subdivider without the approval of the village authorities. A full account of the opinion appears in this issue in Professor Tooke's department of *Judicial Decisions*.

*

The municipality of Berlin is deriving a substantial income from its excellently managed agricultural undertakings, according to Dr. Josef Ehrler, writing in the *Annals of Collective Economy*. Last year's operation brought into the city treasury a clear 694,000 marks. Because of bad harvests, some farmers were granted permission to defer payments of rents amounting to an additional 205,000 marks. The municipality of Berlin owns about 75,000 acres of agricultural land, and is the largest landowner in Germany.

*

Comparative Tax Rate Corrections

Our readers well know the dangers to which Mr. Rightor exposes himself in his annual report of municipal tax rates, particularly when he undertakes to adjust assessed valuations to true value. Notwithstanding the criticism which comes in each year from particular cities, we believe that the Rightor tables are the most accurate in the United States.

Mr. Rightor is always willing to acknowledge mistakes or recognize the other fellow's viewpoint. In a letter to the editor, published in the *Notes and Events* section of this issue, he takes up the various criticisms which have been received from cities that feel themselves to have been ill-treated in the comparative tables published in the December, 1929, REVIEW. If you are interested in the tax rates of Seattle, Oakland, Tacoma, Berkeley, Pittsburgh, Denver, Providence, or New Haven, turn to Mr. Rightor's letter on page 279.

*

Dublin to Have a City Manager

The government of Dublin is to be handed back to the people, according to John J. Horgan of Cork, writing in *Notes and Events* department of this issue. The Greater Dublin Bill, which has just passed its second reading, provides a council-manager plan differing materially from the American standard form. The new city council will have twenty-five members, but the manager will be appointed by the local appointments

commissioners, who are officers of the central government. Four seats on the council are reserved for "commercial members," who will be elected by partnerships, associations, and corporations within the city.

The newspapers report bitter party discussion over the Greater Dublin Bill. Although the city manager plan has been in operation in Cork for several months, it is still an experiment in Ireland, and has attracted opposition in the Dail. The Free State government has declared its determination to adhere to this feature of the bill, but certain features may be recast in the committee stage.

In Cork certain friction which has developed between the council and the manager has been used against the proposal to adopt a similar system in Dublin. However, there is strong sentiment for the return of self-government to the Dublin corporation under a municipal executive of the manager type.

*

Whither Skyscraper Control?

Skyscrapers are still a debatable subject. The New York Regional Plan approves them if properly located; others oppose the suggestion that a skyscraper anywhere under any conditions is a good thing. But, the Regional Plan Report replies, bulk control—i.e., control of open spaces about skyscrapers—is more important than height per se. Let's have skyscrapers, but let's limit their number in a block so as to afford light and air on fair terms to all. Such control would be effected by restricting the cubic contents of buildings in relation to the space about them. Whether it would meet the approval of the courts as reasonable naturally remains to be determined.

One trouble with skyscrapers today is their gluttonous confiscation of sunshine and air at the expense of neighboring buildings. Any plan of limitation of their number would protect the few in the exercise of their monopolistic control of these amenities. It is doubtless contemplated, however, that this advantage would be neutralized by the onerous bulk restrictions which would be imposed under the plan of Thomas Adams.

Economic considerations also enter in. S. W. Straus & Co. of New York feel that high buildings in New York are commercially profitable; others feel that, outside New York particularly, the height of buildings has been overdone, and that many have been carried beyond a profitable point. No longer in New York does a high building possess much advertising value, except in occasional cases for brief periods of time. Undoubtedly, tall buildings in smaller cities are often uneconomical for the investor, not to mention the taxes which the public pays to support the services they require if their number is few and their locations are scattered.

Another suggestion for handling the skyscraper is to tax them on the light and air which they monopolize. This approach rests on the proposition that skyscrapers throw enormous burdens on public works. They bring congestion to our highways, they require expensive fire protection and water service, they aggravate transportation difficulties. Why not impose an additional tax on excessive bulk as a payment for the exceptional benefits which they receive? [1] The trouble with this

[1] The method of taxation proposed by Albert S. Bard, Esq., in the NATIONAL MUNICIPAL REVIEW for April, 1927, on page 234, under the title "Tall Taxes for Tall Buildings," was directed towards the control of the unsocial features of unregulated skyscraper construction. It did not rest upon the benefit theory of taxation.

is that large buildings probably more than pay their way so far as taxes and municipal government expenditures are concerned. Extraordinary taxes on them must be justified by some other theory than taxation for benefit.

Undoubtedly skyscrapers are robber barons; whether under the present state of the law they can best be controlled by special taxation or by extending the principles of zoning is a question of law as well as of administration. As far as the law is concerned it is not certain that either mode of attack would be acceptable to the courts until the menace of competition in skyscrapers is more generally understood and recognized.

*

New Municipal Land Policies Needed

"With a little thought it becomes evident that conscious city planning cannot be completely successful generation after generation except under a system of public ownership of land. The authority of eminent domain and of the police power has reduced private ownership almost to a position of leasehold subject to the public welfare, but with the inevitable right of exploiting land values remaining intact the processes and purposes of city planning are necessarily and severely limited."

The foregoing is a paragraph from a lecture recently delivered to the Harvard School of City Planning by Jacob L. Crane, Jr., of Chicago. Further excerpts are printed in this issue under the title, "A Message to City Planners."

Mr. Crane has opened a question which is beginning to bother a good many farsighted students of government. City planning naturally labors under handicaps which factory planning does not incur. As yet it does not represent planning by a single mind, but must depend upon the collective will of a large number of people. Now the execution of even the simplest plan affects economic interests. People who are making money from present city congestion will naturally oppose decentralization which most planners are trying to bring about. Some plans have been particularly tender of skyscrapers. By so doing they have allayed the fears of some of the economic interests, but they have not solved the problem of skyscrapers.

Without being condemned as single taxers, we may point out that there is truth in the assertion that under present conditions of land ownership, every far-reaching public improvement makes the next one just so much more difficult and costly. Neither special assessments, eminent domain nor excess condemnation have been capable of altering this fundamental situation. If time reveals that a long-term program of public improvements can be made to stick, that technological progress will not outrun our ability to map its course in advance with reasonable success, we shall have to reëxamine our municipal land policies with a very critical eye. Today emphasis is on planning, but tomorrow it will be the problems of execution which will bother us.

Even the moderate tools at hand are operated with most indifferent success. Special assessments are used for but few public improvements and their administration has often proved to be so inequitable as to throw doubt upon the value of the idea. The process of eminent domain is so cumbersome and expensive as to discourage its use until after all other efforts have failed. Indeed, charges are not lacking that today eminent domain is administered with an eye more to the profits of the owners

than to the protection of the taxpayers. Excess condemnation was a device of much promise, but it is not widely employed, and no one knows whether its administration has been just or its results satisfactory. Its use as a means of recapturing some of the enhanced property valuations due to public improvements has been declared by a United States court to be violative of the fourteenth amendment.

Not that excess condemnation or special assessments should be utilized to throw the municipality into the speculative real estate market. We are not ready for this, if we ever shall be ready. But the time has come to begin planning a land policy which will be grounded upon a less sensitive regard for the so-called inherent right of private property in the unearned increment of city real estate.

*

Two Viewpoints on Administrative Organization

In this number we present two contrasting viewpoints with respect to state administrative consolidation and centralization. Governor Roosevelt asserts that results in New York state have vindicated her new plan by which elective officers were reduced to four and the one hundred and twenty administrative agencies to an orderly arrangement under twenty departments. He cannot understand why the reform was delayed so long. But Mr. Walker of Ohio State University is not so sure. He doubts if the analogy of business organization holds for government, and questions whether the structure of the federal administration is a valid ideal for local government.

We agree with Mr. Walker that the time has come for a cool evaluation of the results of administrative consolidation. We also share Mr. Walker's doubts as to whether one can expect the governors of our larger states to be chief administrators in fact; perhaps a new office, that of chief administrator, is needed. Big business seems to be finding work for both the chairman of the board and the president, whose division of labors corresponds roughly to what Mr. Walker suggests for the governor and the chief administrator. But, admitting that effective popular control presents a problem in government which is, for the moment, arousing no corresponding interest in the business field, we do not believe that the principles of administrative organization and administrative control which have worked out satisfactorily in business cannot be applied to government.

The short-ballot doctrine proceeds on the assumption that a bureaucracy is more easily controlled than a congeries of unrelated departments, commissions, and boards. It perhaps remains for us to prove that bureaucracy can be maintained in a delicate adjustment to the popular will. England's bureaucracy is effective and admittedly as nonpolitical as any, but the Lord Chief Justice has recently published a book against growing administrative despotism in his country and charges of arrogation of power by administrative departments are now undergoing official investigation.

But whether the people can control bureaucracy or not, experience has demonstrated that they cannot control a government organized under a long ballot with scores of separate agencies not directly responsible to anyone.

*

The billboard taxation measure which, as introduced, provided for an annual tax of five cents per square foot on billboards is meeting hard sledding in the New Jersey legislature.

HEADLINES

A STATE MANAGER will run the business of Kansas, if an act for the reorganization of the state administrative departments introduced into the 1930 special session of the legislature is adopted. The manager would be appointed by the executive council, and would take over all duties and powers imposed by statute upon the board of administration, the state business manager, the hotel commissioner, chief grain inspector, state fire marshall, state oil inspector, vehicle commissioner, state budget commissioner and state board of review.

* * *

How can we keep good government once we have it? This query is perennially popping up in manager cities. The most recent plaint comes from Sacramento, Calif. When government is good, citizens are satisfied to attend to their own business, taking its goodness for granted. This gives the rascals their opportunity. Cincinnati has written the most effective answer so far—continuing citizen organization, right down to wards and precincts.

* * *

Colorado voters will decide at the 1930 fall general election whether a constitutional convention shall be called. Various groups have long been interested in state administrative reorganization, now impossible because of constitutional provisions.

* * *

The county manager plan is recommended for Westchester County, New York, in a pamphlet just issued by the Westchester County Research Bureau. It is perhaps unfortunate that the Bureau recommended the establishment of a county administrative council between the manager and the board of supervisors. A needless complication—of which we have enough in this business!

* * *

Voters of Stanislaus County, Calif., decisively defeated on February 25 a proposed charter which would have substantially reorganized the administrative machinery. While the charter was progressive in proposing consolidation of a number of county offices, it did not go the whole way and provide for a county manager.

* * *

Larger and larger cities are beginning to cast sheep's eyes at the manager plan. Various Chicago groups are taking it up. The Philadelphia campaign was revived at the annual meeting of the Committee of Seventy on March 6. New York alone remains aloof and superior. As its debonair mayor remarked at a recent banquet, "Why should New York worry about adopting the city manager plan? Folks say the plan insures good government. New York's got good government!"

* * *

A modified county manager act applicable to densely populated counties only has been passed by the Virginia legislature. In addition, a commission has been appointed to study the problem of county government and recommend legislation at the 1932 session.

* * *

Death of Mayor Joseph C. Wilson of Rochester, N. Y., on March 5, created a

unique situation in the city council, which has been deadlocked ever since its reorganization on January 2, with four Republican machine men on one side and four City Manager Leaguers on the other. The charter requires that vacancies by death shall be filled by appointment within one month by a majority vote of the remaining members of the council. Chances of agreement look slim. Another job for a good lawyer!

* * *

A modified city manager plan will be put before the voters of Houston, Texas, some time this year. After considerable study of the plan, an advisory committee of 48 citizens recommended a manager government, consisting of a full-time mayor, six part-time councilmen and a city manager.

* * *

Complete reorganization of the administration of the state government of New Jersey is recommended in a report on a survey conducted by the National Institute of Public Administration, made public on March 12. The work of 94 agencies will be consolidated into thirteen major departments if the recommendations are accepted.

* * *

A commission has been appointed by the governor of California to consider the advisability of a new constitution for that state. There is work cut out for somebody—the constitution of California bulks large with amendments to which special groups cling. Many a constitutional amendment which might better have been a statute has passed by referendum in California.

* * *

The following figures show the record of adoptions and rejections of the city manager plan by voters during the past three years:

	Adoptions	*Rejections*	*Total Cities Voting*
1929	19	24	43
1928	14	9	23
1927	13	13	26

The year 1929 is five jumps ahead of 1928 and six ahead of 1927 in the matter of adoptions. More significant than those figures, however, are the total numbers of cities voting, as indicative of the constantly growing interest in the plan.

* * *

Dissatisfied with the redistricting job of the city charter commission, nineteen Minneapolis aldermen themselves revised the political map so artistically that the new boundaries left each inside his own ward! Page Elbridge Gerry!

* * *

Altoona, Pa., is the first city in the United States to adopt for its employes an old-age retirement and benefit plan insured with an insurance company. An interesting feature of this program is that the contract with the insurance company eliminates any possibility that a new administration may cancel or reduce any pension already being paid, or alter any of the benefits purchased after adoption of the plan.

HOWARD P. JONES.

RESULTS IN NEW YORK STATE VINDICATE ADMINISTRATIVE REORGANIZATION

BY FRANKLIN D. ROOSEVELT
Governor of the State of New York

"It seems hard to realize that reorganization was delayed so long," writes Governor Roosevelt. :: :: :: :: :: :: ::

THE New York State administrative reorganization was accomplished in 1927 after over fifteen years of agitation and discussion. On January 1, 1927, the state departments were reduced to twenty; the elective officers were reduced to four, the governor, the lieutenant governor, the comptroller and attorney general; and a restriction was placed on the creation of any new departments. There are still several departments other than those presided over by the governor and the attorney general which are not wholly under the control of appointees of the governor, but generally speaking, a responsible government under the governor has been set up. When one considers the old government structure of one hundred and twenty different bureaus, boards and departments and compares it with the modern, orderly arrangement of eighteen well organized departments under the direction of the governor with two under separately elected officials, it seems hard to realize that reorganization was delayed so long. As carried out in practice, the soundness of the theory has been amply demonstrated.

In the fall of 1927, the voters adopted an executive budget amendment. The first executive budget was prepared under my supervision last year.

FOUR-YEAR TERM FOR GOVERNOR NOT YET ADOPTED

The third of the three main proposals for government reorganization, the one which provided for a four-year term for the governor and other elective officers, elections to be held in the even-number years between presidential elections, has not been adopted. A substitute amendment proposed by the Republican legislative leaders, setting up a four-year term with elections held at the same time as the presidential elections, was overwhelmingly defeated at the polls two years ago, the opposition being led by Governor Smith. Obviously the efficient functioning of the state machinery with a two-year term for the governor and department heads is a long way off.

All experts and students of this problem are in agreement that there should be at least a four-year term for the governor and his cabinet, and that the state election should be kept separate from the national election on the one hand and from local city elections on the other. Three years of actual experience with the reorganized government have amply demonstrated that the theory of a four-year term with separate elections is sound.

HOW TO MEASURE ECONOMIES

So far as administrative consolidation is concerned, it is safe to say that there is no reasonable person in the state today who would seriously suggest going back to the old condition of numerous scattered and irresponsible state agencies. The cabinet system with a limited number of departments has come to stay. It must be ad-

mitted that the economies claimed for consolidation of departments and the executive budget must be measured otherwise than by considering budget totals. The ultimate or true economies can, I believe, be proven. It is unfortunate that extreme enthusiasts for government reorganization promised actual reduction in the budget totals. Such reductions are not possible in a great state like New York with constantly increasing population and with growing demands for public improvement such as better roads, additional bridges and tunnels, more parks and parkways, better care for the wards of the state, improved educational facilities, and the numerous other welfare demands which arise in an enlightened community. It is safe to say that if it were not for the consolidation of state departments and for the executive budget, the great improvements to which the state of New York is committed could not be carried out economically or within a reasonable time, if indeed they could be undertaken at all.

The chief result of administrative reorganization has been that which was urged by advocates of reorganization for so many years as the principal argument for its adoption—centralization of executive and administrative responsibility. Fortified by the executive budget amendment and the recent decision of the Court of Appeals relative to that amendment,[1] the state structure is now, on the whole, one adapted to proper state administration.

RELATIONS WITH DEPARTMENT HEADS

The relationship between the head of each department and the activities under his supervision has been made intimate and direct. He has, generally speaking, the absolute control of his entire department. He has undisputed supervision and authority. His responsibility is, therefore, correspondingly undivided and unavoidable. He can no longer complain that functions which ought normally be under his control are beyond his reach. The duties and powers of the department are his personally; the accountability for their proper administration cannot be shifted elsewhere.

There has been an equal rapprochement between the chief executive and the department heads. With the exception of the quasi-judicial boards, the chief of each department holds his position at the pleasure of the governor. In this way administrative authority and responsibility have been tied right into the executive chamber. The theory of this centralization has been borne out in practice, not only in the formal cabinet meetings of the governor and the various administrative heads, but in almost daily reports and conferences between the governor and the various chiefs of departments.

ATTORNEY GENERAL STILL ELECTIVE

One of the features of the New York administrative reorganization which I do not recommend to other communities is the retention of the position of attorney general as a separate elective office. I believe that the attorney general should be appointed by the governor to be the adviser of the governor's cabinet and of all the administrative agencies. He should be picked for his standing and knowledge as a lawyer; he should be in sympathy with the administration under which he serves; he should not be a separate independent officer who may be hostile or indifferent to the program of the governor's departments; who may be of the opposite party from the governor, and who may himself be politically am-

[1] See Rinehart J. Swenson, *New York Court Sustains the Executive Budget*, NATIONAL MUNICIPAL REVIEW, February, 1930.

bitious and therefore wholly out of step with the program of the state administration. The attorney general of the United States is appointed by the president. No one would think of having him appointed in any other way. The corporation counsel of practically every city is appointed by the mayor, and no one would think of electing him. I believe that the only elective state officer in the executive branch of the government outside of the governor and lieutenant governor should be the comptroller.

Generally speaking, I believe that the many prominent citizens of all parties who worked for the state reorganization in New York are well satisfied with the results, and I believe with their assistance the four-year term with independent elections will also be brought about.

A SUGGESTION TO IMPROVE THE MANAGER PLAN

BY W. EARL WELLER

Director, Bureau of Municipal Research, Rochester, N. Y.

A weakness of the manager plan is the frequent unwillingness of the council to allow the manager freedom to make good. Why not, therefore, provide an electoral college, independent of the council, to hire and fire managers? :: :: :: :: :: :: :: ::

For twenty-two years persons interested in better municipal government have been urging the council-manager plan on American cities. Of necessity their arguments during this period of trial and error have been based largely on theory. There is now available, however, a mass of experience and it seems that the proponents of the plan might leave their shopworn theories, their rather abject worship, and attempt an honest appraisal of the results to date. Such an appraisal would probably establish on tenable grounds the general excellence of the plan. It would also, in the opinion of the writer, uncover some basic faults that should be and can be eliminated. With considerable trepidation the writer, a sincere believer in "the plan," attempts, in the few paragraphs that follow, to indicate what he believes to be one fault that such an appraisal would disclose.

The council-manager plan differs from its principal rival, the council-mayor plan, in three particulars: (1) It concentrates power; (2) it fixes responsibility; and (3) it provides for the selection, rather than the election, of the chief executive. Most Americans, thinkers and non-thinkers alike, are rather willing to accept the second and third of these divergences from the older plan, but the first is subject to considerable question. This is not strange to those who have studied, even casually, the theories of government that, slowly developing during the later Colonial period, came into their own with the formulation of the federal constitution. At that time the theory of the separation of powers was universally accepted and it has

come down to the present with a rich heritage of constructive thought and of successful application.

THE COUNCIL'S PART IN ADMINISTRATION

The council-manager plan places all power in the hands of the council. Occasionally council-manager charters contain an admonition to the council to keep its hands off the executive side of government. Such provisions are weak, almost laughable attempts to separate powers that have been thoroughly consolidated. Suppose, just to illustrate the ridiculousness of these charter admonitions, that a city council is satisfied with the work of the manager except in one particular, say the cleaning of the streets. The most insistent purist among the manager advocates would not question the right of the council to make this fact known to the manager. Nor would he question the wisdom of the manager in attempting to rectify the situation. Now suppose that the one particular that is displeasing to the council is the attitude of some one department head towards the public. Would a strict adherence to the ban on interference with the chief executive preclude the council from making this fact known to the manager? If the answer is "yes" the council must either tolerate the apple that it feels is a bit decayed or must get rid of the apple by cutting down the tree. This seems a bit drastic, so perhaps the council would be within its rights, legal and moral, in suggesting to the manager that a vacancy be created in that particular position. This is rather close to saying that the council has the right to do something that it has not the right to do. At any rate it shows the impossibility of consolidating and separating power at the same time, and means that it is necessary either to accept the council's complete control of both the legislative and the executive branches of the city government or to reject this control in favor of an open and honest separation of powers.

IS SEPARATION OF POWERS A MISTAKE?

Were the framers of the Federal Constitution entirely wrong in their efforts to separate the legislative power and the executive power? We start to answer and then there flashes through our mind the beautiful, well-polished analogy between council-manager government and private business corporations. The people are the stockholders, the council is the board of directors, and the city manager is the general manager. It is a beautiful concept, but turn it over a few times in your mind. As long as the general manager produces profits that enable the board of directors to declare dividends, no single director would dare and no board of directors would care to make a demand on or a change in the general manager. What profits can a city manager show to his board of directors? What item of self-interest will restrain his board of directors from firing him if his personal appearance offends the aesthetic sense of a bare majority of the council? The city manager may have paved more streets at lower cost than ever before, but the council may demand even more pavements and even lower costs. The city manager may have reduced the tax rate, but the council may feel that it is still too high. His achievements are on a comparative basis, not on a definite basis. He must depend on a glib tongue rather than on a convincing balance sheet to impress his value on his board. The analogy is not so good as we first believed.

WHY NOT A MUNICIPAL ELECTORAL COLLEGE?

Is there a way out of the difficulty? Can we retain the advantages of a

selected chief executive, of definitely placed responsibility, and still give to the manager at least an outside chance of working out his destiny with a council that falls a bit short of the ideal in high-mindedness? Perhaps. Why not take a page from the constitution as it was originally accepted by the constitutional convention in Philadelphia? Why not separate the legislative power and the executive power, placing the selection of the chief executive in the hands of a miniature electoral college? Elect a board of nine electors for six-year, overlapping terms. Give to this board the absolute and sole right to hire and fire the city manager. Give the council the right to file charges of incompetence, or even of incompatibility, against the manager but leave the conduct of the hearing and the final decision with the board. Give the manager the right to maintain the *status quo* in municipal service by conferring on him the right to levy a tax for current expense that will, for instance, permit him to employ each year the same number of police at the same salaries as during the preceding year. Give the council the right to levy taxes for any extension or for any improvement of existing services or for the creation of new services. In other words, give the manager the chance to make good and the right to be tried before an impartial jury.

This change in the plan is suggested tremblingly, as has been stated, for the good of the cause. The writer feels rather strongly that the ultimate existence of the plan depends on finding some method of making the manager partially independent of the council. He is confident that the appraisal mentioned in the introductory paragraph will find more wrecks and near wrecks in the vicinity of this rock of "consolidated power" than in any other part of the troubled seas that city manager charters are asked to navigate.

MANAGER CITIES IN ACTION

III. A NEW BRAND OF CITY COUNCIL

BY ERNEST S. BRADFORD

How the operation of the manager plan reacts upon the caliber of the councils. :: :: :: :: :: :: :: :: :: ::

THE most striking feature of city councils observed under the manager form of government is their non-political character. While this feature is not present always to the same degree, the improvement in this respect is so marked in most cases as to warrant saying that it is the rule rather than the exception in manager-governed cities. To those who have sat in the smoke-filled chambers of councils under the old political mayor-council governments and have seen and heard the time-consuming speeches and the log-rolling, wire-pulling and jockeying for political advantage of those days, it is something of a shock to sit in council chambers where discussion is carried on in a businesslike way, the project under consideration being settled according to the facts at hand promptly and intelligently. These councils are usually small, their members give only part time, and meetings are held in the evening. In Petersburg (Virginia), in Grand Rapids and in other cities

where I observed councils in action, I was told that the non-political factor has resulted in the election of councilmen of a higher type than formerly and in a longer tenure of office. I took some pains to check up on these statements and the results are interesting.

It was to be expected that business and professional men of character and standing in the community would be willing to become candidates for the council when all that is required to put their names on the ballot is a petition signed by a small number of voters. Under these conditions, it is comparatively easy to get on the ballot, and the candidate for council owes his nomination not to the party boss, but to those who sign his petition. The absence of party designations on the ballot reduces the power of the political organization to determine who the candidate shall be. The candidate, then, runs on his own individual merit instead of under the party label and with its political backing. The citizen who is too independent to be willing to dicker with the organization before election or to take orders from the party boss afterward may be glad to run for councilman when the contest is based on the standing of each candidate, and when he knows that if elected, he will be free to exercise his best business judgment on behalf of the city. In Dayton, Springfield, Norfolk, Staunton, and a host of other cities, men of intelligence and ability have been persuaded to run for the council, and have been elected. On this point the evidence is very clear.

DAYTON AND SPRINGFIELD

In Dayton, Ohio, for example, the caliber of the men who have been elected to the council (commission) since 1914 was shown by examination of their names and occupations, confirmed afterward by conversation with leading citizens:

List of Councilmen (Commissioners), Dayton, Ohio, 1914–1928

Occupation	*Names*
Auto dealer and accessory merchant	C. W. Shroyer
Member of charter commission, labor representative, painter	A. I. Mendenhall
Manufacturer of railway jacks	J. M. Switzer
Insurance	John R. Flotron
Promoter—hotel company	John A. McGee
Brick contractor	Henry Hiddesen
Manufacturer of toys	Louis Wright
Lawyer, secretary of building and loan association and former mayor	Allen McDonald
Secretary of building and loan association	George W. Bish
Civil engineer, assistant head of Miami Conservancy District	Charles H. Paul
Retired retail grocer	F. B. Hale
Dentist	Dr. O. B. Kneisly
Secretary of pump manufacturing concern	D. L. Stanze

In Springfield, Ohio, the list of those who have been councilmen since 1914 is as follows:

Occupation	*Names*
Treasurer—American Seeding Machine Co.	B. J. Westcott
Superintendent of printing company	A. L. Beaupain
Head of gas engine company	D. J. Shouvlin
Water turbine manufacturer	J. J. Hoppes
Dentist	Dr. John E. Furry
Attorney	E. S. Houck
Labor representative (sign painter and decorator)	J. D. Frock
Labor representative, solicitor for the *News*	H. M. Hill
Manufacturer of piano plates	Mr. Metcalf
Manufacturer of mowers	Wallace Thomas
Manufacturer	Carlton K. Biser
Paper box manufacturer	C. H. Rhoades

Transfer and storage co. . . . Harold Hodge
Grocer . . . . . Albert Eglinger
General business . . . . . C. F. McGilvary

It is quite true that not all councilmen must be or should be manufacturers or merchants or lawyers in order to have a strong council, but they ought to be men of character and capacity whose knowledge of the needs of the city is broad enough and their common sense sufficient to act intelligently in behalf of the public welfare. If they possess these qualifications, the more varied their walks of life the more widely representative of the community the council is likely to be.

COUNCILMEN REMAIN IN OFFICE LONGER

The provisions of charters which require election by the whole body of voters rather than by wards, and which abolish party nominations and party designations on primary and election ballots, seem to be the elements which have produced this improved type of councilman, and he in turn is responsible for the better planning for his city's future and for the selection of the better trained and more substantial chief executive known as the city manager.

It is also true that these new and broader-caliber councilmen tend to remain in office longer than formerly. This seems to be due partly to the greater confidence which they have been able to command from the voting public, resulting in fewer contests for councilmen's seats, and partly to their own willingness to serve for more than one term.

In Staunton, one of the members of the 1908 council which adopted the first manager charter was still a member of the council in 1928. He had served the city for twenty years in this capacity. Another member, who served on the special committee of the council which brought in the report favoring a city manager, had served fourteen years. Another councilman (in 1928) had served nine years, another five years and the fifth, eight years. This is a record equalled in few mayor-council cities. Other municipalities under the nonpartisan council-manager plan show similar results.

In Dayton, for example, in the fifteen years elapsing between January 1, 1914, and January 1, 1929, there were thirteen councilmen elected (councilmen are known in Dayton as commissioners), several of whom served for eight years.

In Springfield, Ohio, inspection of the names of the councilmen elected since January 1, 1914, (for Springfield started its manager plan on the same date as Dayton) shows only fifteen members elected in fifteen years. The average term of service has been for five years. Several councilmen have served eight years and some six, and some seven years.

In a dozen other cities, similar long terms have occurred, in some cases less striking and, again, of very long continuance. The slow and patient collection of these data is proceeding but the aggregate trend already is manifest.

The net result of these extended terms of service has been to provide the city with councilmen whose experience is more comprehensive than it would be under the frequently changing terms of the older forms of city government. Acquaintance with the needs of the city, its different sections and its various activities, comes with time and knowledge of the problems involved, and from the evidence at hand it seems certain that a considerable share of the good results secured under the manager scheme is due to the better type of councilman elected and the longer terms of service. And these in turn are due to the non-political character of the elections and the fact that coun-

cilmen are selected not by wards but by the city as a whole.

The character of the first council selected usually settles the question whether the old political organizations are to dominate the new government. When the nomination of the first lot of non-political councilmen is effected by a group or groups of independent business men, taxpayers' committees or a charter league, a precedent is established which helps maintain quality.

A MESSAGE TO CITY PLANNERS[1]

BY JACOB L. CRANE, JR.
Town Planner, Chicago

Are we on the right track in city planning?

THE mind of the professional student in city planning is likely to be encumbered with images and forms drawn from earlier and now perhaps out-of-date city building. Our land planning is a curious mixture of early land surveying, Haussmann's Paris, the romantic English landscape, and the traffic-relief street. Our imaginations are full of LeNotre and Repton, and we are only slowly accepting the wide connotations of the modern machine-age trend as it may affect city building—as it actually is affecting city building whether we are planning for it or not.

We professionals are likely to fall short of being modern in our planning because we have difficulty in being modern ourselves. Many of us have an instinctive aversion for the industrial city with its make-money ideal and its hurry, noise, dirt, and confusion. A colleague during a heart-to-heart talk began, "We city planners and the others who hate cities . . ." therein fully stating this point. Our planning attempts to recapture what seems now to have been the beauty and dignity of cities in the time before Stevenson's steam engine started changing the world. Tradition and education have reinforced this anachronistic position of the planners. Concord and Williamsburg, for the small towns, radial boulevards and axial public buildings for civic centers, and the "naturalistic" style for land subdivision have produced much good and some distinguished and lovely work, but they are not in my mind a direct and logical expression of our American life just now emerging. And in fact I believe they have obstructed the development of new styles which are inherent in machine-age life and which will force their way through whether we like them or not.

OBSOLESCENCE IN PLANNING

Among my skepticisms is one most damaging to my confidence in city planning. It seems at least doubtful that we can now prepare city plans which will remain valid long enough for them even to be carried out. And there are many embarrassing examples of unavoidable errors in making what seemed to be far-sighted plans for city growth, such as the famous cross-town street system on Manhattan Island.

How can we feel assured that even the most carefully thought-out plan

[1] Excerpt from a lecture at the Harvard School of City Planning, January 6, 1930.

will not in twenty-five years be found absurdly inadequate or (still more unsettling) absurdly grandiose in the light of possibilities for human circulation even now conceivable? It is imaginable that in a relatively brief time the citizens of a completely decentralized Chicago regional city will visit the magnificent lake-front park development, and amusedly comment that the people who formerly lived in the crowded apartment city must have in those old days greatly enjoyed the beaches and lagoons. This thought leads me to emphasize in my work the common sense of the control and guidance features of city planning rather than over-expensive reconstruction projects.

Now these ideas, as with all the other suggestions, I do not set up as dogmatic rules of city planning. The whole art is developing and finding itself, and that is one of the most fascinating things about it. So do not believe me; doubt all that I say, and work it out for yourselves.

The other day I drove along the old Illinois-Michigan barge canal, built only about sixty years ago, at a cost proportionately as large as our contemporary highway systems, and expected to serve for a great artery of commerce. It now winds gracefully and placidly between trim, willow-lined banks, beautiful, unused, forlorn. Again, the country is full of abandoned interurban and city street-car lines. In the face of this and much other testimony how can we anticipate less startling changes in the future? I cannot feel badly when some salty-minded alderman seems skeptical about proposals based on any idea of permanence in present modes of transport.

PLANNING AIRPORTS

This leads me to the exciting topic of air travel. Lives there a man with soul so dead that he has not enthusiastically supported the idea of more and more one-hundred-and-sixty-acre airports? Probably not. And I believe they will all be needed as air transit centers—the terminals, classification yards, shops, and training schools. But I feel confident that there will soon be developed the small air-machine which can land and take off with safety in a space of one or two city blocks. In anticipation of this event, we are now in our city plans selecting sites not only for the large outside airports, but also for numerous fairly close-in small fields, preferably with water-basins alongside. I believe we may expect these small fields to be spaced eventually in somewhat the same way that we space grade schools—within walking distance of every part of town. It seems to me a modest expectation.

TENDENCIES IN ZONING

Let me venture to speak of a few of the other phases in which our planning practice tends to change. There are two marked tendencies in zoning: first, the greater and greater refinement of zoning regulations within city areas, establishing more specific and in some cases more severe requirements for lot sizes, variations in building lines from block to block, or even within blocks, and for private parking and play space; and, conversely, the application of broader, more general zoning over much larger areas through county or regional authorities. As I see the rigid classification and segregation of industrial, business, and residential districts tend to break down in some cities under the pressure of changing conditions, I have been fascinated by the idea that zoning might take the form of area regulations only, dividing a city up into districts where any use might be placed so long as it conformed to the set-back, lot size, and yard re-

quirements. In a Class A residential district, for example, a light industry might be located so long as it occupied not more than five per cent or one per cent of the lot area and provided yards on all sides at least twenty times or fifty times as great as those required for residential buildings.

Most factories, particularly the heavy ones, will without zoning locate near the railroads, but some lighter, electric-powered works might well be placed in the neighborhood of their own operatives. Plainly we are working counter to one phase of city planning theory when we confine all industrial working places to areas most remote from residence, so that transportation becomes more and more difficult, irksome, and expensive. The same is true of at least the central business districts. Decentralization and the industrial garden city are of course aimed at this difficulty, but they may not offer an adequate solution.

NEEDED REGULATION OF LAND SUBDIVISIONS

The control of land subdivision is for most American cities one of the urgent and one of the most valuable phases of a city planning program, and this control has tended to become more and more specific. However, its full purpose cannot be realized until four new elements are introduced. First, subdividing and selling land by "metes and bounds" as a means of avoiding platting regulations must be prohibited, and this requires new statutory power. Second, the subdivision and marketing of land should be restricted, in location and in amount, in a definite relation to the requirements of the community or district. This again requires an extension of legal authority. Third, the design of all subdivisions should, I believe, be made by the city or county, as the case may be. Only in this way can the requirements both of the subdivider and of the planned development be adequately met. At present the realtor, the surveyor, the engineer, and the city are all put to great inconvenience by the roundabout process of submission and revision of tentative designs. Fourth, there should lie in the planning authority power to specify and require the imposition of restrictions upon the subdivision. This is particularly important for plats lying outside of corporate zoned areas, where the actual use of the property can be controlled only by these private restrictions.

TENDENCIES IN STREET DEVELOPMENT

In street development two interesting tendencies are just now making themselves felt. First is the construction of highway grade separations at over-congested highway intersections, and the reservation in subdivision platting of sufficient ground at such intersections to make the grade separation feasible in the future. Second, the use of stream beds for parkways of various types is taking hold of the public imagination. They provide streets in a beautiful setting, often where it is most economical to build them, and they make a great saving of funds which would otherwise have to be devoted to the construction of storm sewers. There are many variations of parkway design, not the least interesting of which is the simple public reservation of these water courses or ravines between what would be called the rear of lots, in which no roads are built, the ground being used only for safe, beautiful play-space and for storm water run-off.

DOUBLE-DECK STREETS

The double-deck street is an acknowledgment of failure in sensible city building. Nevertheless, if the

concentration of business and the construction of skyscrapers in the downtown districts of our big cities continue, I see no other alternative than double-deck or triple-deck streets with overhead pedestrian ways. There is plainly great advantage in the concentration of office business within a small area and there is also the pressure of investment and speculation in land and buildings. If our big cities do not definitely begin to break up within the next twenty-five years, I look to see the classification and segregation of various types of business within these central districts, and the triple-deck streets serving them.

The tendency, already well started, for each business group to localize itself and the possibility of definitely planning this segregation should be recognized. We might have the real estate group and the law group closest to the buildings housing municipal and county officers, the courts and the public records; and ranging around from them the offices of manufacturers' agents and administrative heads, the advertising, the accounting, and the commercial artists, the banking and investment group, the theaters, the medical and dental center, printing and publishing, the building industry close to the real estate men, the clubs, hotels, furniture, and insurance people, retail business, automobiles, aviation, and wholesale. It is not difficult to arrange a design for this grouping, and, having done so, the advantage of keeping them close together seems to be even more obvious. In the way that our city business is now done it will be most convenient, even though in the abstract insane, to build fifty stories high and provide transit subways, haulage streets, passenger auto streets, and pedestrian ways at three or four different levels. It is, I feel, a frantic dance of death but I suspect that it must be danced out.

THE EXAMPLE OF RADBURN

In residential land planning the principles underlying Radburn admirably illustrate the new tendencies—namely, long uninterrupted blocks on traffic arteries with intersection grade-separations, individual or group houses or apartments on secluded cul-de-sac streets, interior playgrounds and parks, and school sites accessible to a large enough area without the necessity of crossing through traffic at any point. Radburn is experimental and not entirely successful, but it is a pioneer operation destined, I believe, to influence greatly American residential planning.

SITES FOR PARKS AND SCHOOLS

In making plans for the future park system of a town there is some advantage in abandoning the attitude of moderation and, instead, suggesting as "suitable park land" all the property which may come within that classification, even though it far exceeds a standard ratio to the prospective population. It is nearly impossible to foresee just which or how much park acreage will capture the public imagination and be acquired. Further, in many towns the wealthy men are going in heavily for park land gifts, and also many new agencies are being created, such as county park boards and state park commissions. If any one thing is needed in the contemporary American industrial city it is an enormously greater amount of green open space, and while the standard of one acre of park per 100 population seems to be high now for many cities, it will, I hope, be considered an absurdly small figure in a few years. The approximate location of future school sites on the city plan and the stimulation of school

boards to acquire them are good means of getting support for the unique advantages of city planning.

For a few years much was said about the desirability of requiring each subdivider to dedicate five per cent or ten per cent of his subdivision for park or playground or school-site purposes. I feel that this has not worked out satisfactorily. These sites should be located and arranged in a rational, planned manner, and isolated plots of sometimes even one acre or less are of small usefulness. Conversely, it is not usually feasible to require a subdivider to dedicate five acres or twenty-five acres to public use. As an alternative, we are now requiring the subdivider either to dedicate or to reserve, for a period of not less than one year after notice to the proper authority, such land as the plan indicates for park, playground, or school-site purposes. This arrangement gives the school board, the park board, or the city an opportunity to acquire or contract for the land before it is actually subdivided, and it gives the subdivider the assurance that he will not be indefinitely held up for any part of his project.

CIVIC CENTERS

It is to the customary plans for civic centers that I make most violent objection on the ground that they are set up on European models. They tend to be classic, symmetrical, static, and as such fail as expressions of American civic life. An articulate, functional, asymmetrical ground plan and a bold design of each feature, not necessarily pretentious or costly, will be more appropriate.

We are making only elementary city plans. The adjustment of these plans to changing conditions and particularly to their more closely detailed design as each feature comes up for construction involves ten times the labor of the original skeleton plan and extends over an indefinite period. After the basic elementary plans for all our towns are finished, which may require only a comparatively few years, the great bulk of the work by the planners has still to be done.

NEW SOUTH DAKOTA PRIMARY LAW APPLIES SHORT BALLOT DOCTRINE

BY CLARENCE A. BERDAHL

Associate Professor of Political Science, University of Illinois

The Richards Primary Law, which provided pre-primary conventions to name majority and minority candidates for nomination, has been repealed. Its successor, the Slocum Law, retains the direct primary for policy-determining officers, and delegates the nomination of others to party conventions. :: :: :: :: :: :: :: ::

THE state of South Dakota continues to live up to its reputation as a laboratory for experiments in popular government, and more particularly in the field of primary legislation. The so-called Richards Law of that state, with its unique system of pre-primary proposal conventions and other novel features, was kept on the statute books only after considerable agitation, numerous legislative and political battles, and some experimentation with other types of primaries.[1] Although commonly denounced as a freakish and unworkable law, its prime principle of legally recognized and more responsible party organizations has been widely accepted by students of government and even by politicians, and some of its features have been in effect written into the primary laws of other states. Subjected to almost continuous legislative assault and amendment,[2] the essential features of the Richards Law remained intact during a period of more than ten years and were operative during six primary campaigns (1913–1914, 1919–1928). The South Dakota voters seemed satisfied with the measure, whatever the politicians might think,[3] and Mr. Richards himself appeared to have assessed the situation correctly when he boasted, in 1927: "It matters not what is proposed to be done to further cripple the primary law by its enemies. . . . The primary law will live when its enemies are dead and gone." [4]

RICHARDS LAW REPEALED

The agitation against the Richards Law continued, however, and the dissatisfaction, particularly of those active in the party organizations, increased to such an extent that the dominant party (the Republican) declared against it in its platform of 1928, and in 1929 Governor Bulow (a Democrat) urged upon the legislature its repeal. "Our present primary law," he said, "is cumbersome and expensive in operation and usually results in the nomination of party candidates being made by a small minority of the voters. I

[1] For the legislative history of the Richards Law and a summary of its earlier provisions, see an article by the writer in *Am. Pol. Sci. Rev.*, XIV, 93–105 (Feb., 1920); its practical operation is discussed in a second article in *Ann. Am. Acad.*, CVI, 158–171 (Mar., 1923).

[2] Unsuccessful efforts were made to repeal the Richards Law in 1913 and 1920; several of the novel features were repealed in 1921; other changes, chiefly with respect to registration of party voters and dates of conventions and primaries, were made in 1923, 1925, and 1927.

[3] The law was expressly sustained by the people at five referenda elections—in 1912, 1914, 1918, 1920, 1924.

[4] Statement in *Sioux Falls (S. D.) Argus-Leader*, Feb. 1, 1927.

recommend such changes in the law as will simplify its operation, reduce the expense of the primary, and secure to the voters a larger participation in the choice of their party candidates."[1] Acting in accordance with that recommendation, the South Dakota legislature, at its last session (1929), finally repealed the Richards Law in its entirety, and efforts to invoke the referendum on that repeal proved unsuccessful.

The Richards primary is, therefore, no more. Its provisions were so different from those of the usual type of primary law, its operation was so unique and certainly so interesting an experiment in popular government, and its underlying theories were probably so sound, that students of government may well regret its passing without further trial. Such regrets are, however, somewhat tempered by the character of its substitute. The Slocum Law,[2] as the new primary law of South Dakota is called, is not at all a return to the more orthodox type of primary, but represents a still further experiment in this field of government. It embodies the short-ballot principle, at least to a degree, and for that reason alone ought to be of peculiar interest.

DIRECT PRIMARY RETAINED FOR POLICY OFFICES

In brief, this law provides for a combination of the primary and convention systems. The direct primary is retained, but only for the nomination of United States senator, representative in congress, governor, members of the legislature, and county offices; and for the election of state and precinct committeemen, and delegates to state and national conventions. All other elective state officers—lieutenant governor, attorney general, secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of school and public lands, railroad commissioner—and presidential electors, are to be nominated by a state convention, held some time after the primary. This state convention also elects a party state chairman and the members of the national committee, and adopts the party platform.

Judges have for some time been nominated at separate nonpartisan primaries, and the present law makes no change in respect to them.

Clearly this system embodies the principles of the short ballot, in that fewer offices are made subject to popular nomination, and it is, on the whole, the policy-determining officers that are so nominated, while the merely administrative and less conspicuous offices are left to the deliberations of a convention. No doubt criticism may be made of the immediate application of these principles. Certainly not many of the county offices are either conspicuous or policy-determining, and there is grave doubt as to the wisdom of nominating by primary such officers as the county treasurer, surveyor, or coroner. There may also be those who would consider the attorney general as coming within the criteria for popular rather than convention selection. However that may be, the fact remains that there is here, for almost the first time, an effort to apply these important short-ballot principles to the primary.[3]

[1] Inaugural Message of Governor Bulow, in *Sioux Falls Argus-Leader*, Jan. 8, 1929.

[2] *S. D. Session Laws, 1929*, ch. 118.

[3] The Tennessee primary law, adopted in 1917, provides for the nomination at primaries of United States senator, congressmen, governor, railroad commissioners, and members of the general assembly. It may also, therefore, be characterized as a short-ballot primary. *Shannon's Annotated Code of Tenn.*, vol. 5, p. 6526 (sec. 1377a28bl); see also digest in Merriam & Overacker, *Primary Elections*, p. 397. It may also be noted that the South Dakota legislature,

OTHER FEATURES ARE ORTHODOX

In other respects the Slocum Law is quite like the more usual type of primary law. The scheme of party organization is perfectly orthodox; there is a requirement for party registration or enrollment; the conventions are based upon the principle of unit representation, and are thus fairly representative of the party voters; candidates get their names on the primary ballot by the usual process of petition and declaration; the conventions and primaries are subjected to the customary regulations and legal safeguards. A mere plurality is required for the nomination of county and legislative officers, but for the others a minimum of 35 per cent, with the provision that in case of failure to obtain such minimum at the primary the nomination is to be made by the convention, the Iowa plan being followed to that extent. Convention nominations are in every case to be made by a majority vote.

The act so described was not passed without a struggle. A very few in the South Dakota legislature would have preferred a complete abandonment of the primary and the restoration of the convention system throughout; others desired a return to the more orthodox type of primary; while a number defended the Richards Law and opposed its repeal. A bill was, in fact, introduced and pressed for the modification of the Richards primary, but without changing its essential character,[1] which its author claimed might actually have passed had not the legislative leaders already been committed to the Slocum bill. The principal objections to the new measure, aside from any feeling for the Richards Law, seem to be, first, the possibility, in view of the plurality requirement and a probable multiplicity of candidates for local office, of the party nominees being selected by a very small minority of the voters; and, second, the possibility, in view of the minimum requirement for state office, that the state convention may actually select most, if not all, of the party nominees for such state offices. Whether these objections will prove more apt in the case of South Dakota than in other states that have long had such requirements, will be for the future to determine. It is also charged against the new South Dakota law, however, that it was "really framed by some of the politicians antagonistic to the primary method of making nominations," and does not therefore represent a genuine effort at popular control of the nominating process.

RESULTS?

On the other hand, the South Dakota press seems to welcome the Slocum Law as a restoration of power to the people. The leading newspaper of the state probably reflected that press opinion when it said editorially: "The boss politicians lost and the people won when they (the legislature) passed the Slocum direct primary bill. . . . The bill as passed by the legislature is not a perfect one. We have heard of no primary that is. But it does eliminate the greatest iniquities of the old system. Aided by a mass of red tape, boss politicians have been able to control primaries with little difficulty. Under the Slocum bill, they will find thorns instead of roses along their pathways."[2]

in an effort to repeal the Richards Law in 1920, offered as a substitute a measure similar to the present Slocum Law. That proposal was rejected at the following referendum. *S. D. Session Laws, Special Session, 1920*, ch. 78.

[1] S. B. No. 45, 21st Session, Legislative Assembly of S. D. (1929), introduced by Senator W. C. Nisbet, of Minnehaha County.

[2] *Sioux Falls (S. D.) Argus-Leader*, Feb. 20, 1929.

The writer is convinced, from his own studies and observations of South Dakota politics over a period of years, that the "boss politicians" were most of all anxious to get rid of the Richards Law, under which they found it particularly difficult to exercise any certain control. In order to accomplish the repeal of that measure, it became necessary to offer something in its place that would appeal to the various groups in the state, and the South Dakota voters seem fascinated with something that is unusual. It may therefore be doubted whether those responsible for the new primary law deliberately conceived of it as applying the principles of the short ballot, but it may well be that they builded better than they knew.

THE FIGHT FOR REFORM IN ROCKLAND COUNTY

BY PERLEY MORSE

How one of those counties of New York which have made "less improvement in governmental matters than any other political agency" turned over a new leaf. :: :: :: :: :: :: :: ::

When Governor Franklin D. Roosevelt made a Fourth of July speech last year in Spring Valley, Rockland County, New York, he stated to the large assembly gathered to greet him that the counties are governed under the same form, the same offices, and the same business methods as were established by the Duke of York in 1688.

"Many things have improved since then," said he, "but local government has not."

Mr. Roosevelt, in that speech, set forth some of his well-known schemes for reform in county government. "The overwhelming majority of expenditures which are of fundamental importance to us individually," he said, "are made right back at home. But there has been less progress in improving local government than in any other agency of government."

Governor Roosevelt consented to accept the invitation to speak to Rockland County voters because he was well informed that among the numerous counties of New York which sorely needed reform, Rockland was one of the worst offenders in still adhering to the ancient formulas and methods of local government inimical to its progress and costly to its citizens.

For nearly a quarter of a century, Rockland County had been largely in the grip of a political self-perpetuating machine. Its officials had refused to adopt modern methods and newer formulas for county administration and had persisted, year after year, in ignoring the criticisms and recommendations of the comptroller of the state, set forth in his occasional examinations and audits of the fiscal and administrative affairs of the county.

Year after year—in some instances covering a period of twenty years—the same officials were returned to office, and the same appointees to non-elective county offices were automatically kept in power by the board of supervisors.

Undeniably the county was in the grip of a political boss whose word was final in the selection of candidates for

office on the so-called Republican county ticket, which was really bipartisan in nature; and his will prevailed in the selection of minor county officers.

Around this central political power was gathered a coterie of "yes men" who ate at the public crib. They handed out patronage to their minions and created a network of political espionage and control which enabled them to hold the electorate by the throat.

As a result, the minor political party in the county acknowledged that it was unable to secure either patronage or township improvements without trading with the party in power. The so-called Republican party was permeated by Democrats, some of whom even changed their politics to run under the Republican banner.

About twenty years ago Rockland passed through an upheaval which resulted in several of its high officials being sent to jail. The party that succeeded to power had before it the lesson of its predecessor and did not propose to taint itself with gross corruption. It therefore centered its ambition on building up its party machine by grabbing all the county patronage in sight.

In 1912, the comptroller of the state found that the conduct of fiscal affairs in Rockland County had hardly changed since 1904–05, except that no charges of corruption prevailed. Very drastic criticisms were made by the comptroller and very definite constructive reforms were urged.

But, secure in their own power and blind to the current of criticism from the taxpayers, the county officials ignored the comptroller's accusations and constructive recommendations, and continued their wasteful course.

Gradually the character of the population in Rockland County shifted. Since it is adjacent to the New York metropolitan zone, a suburban population crept in while the farming population of the county decreased rapidly. So glaring and continuous were the offenses against good government that, under the leadership of the new suburban residents, there gradually developed a number of taxpayers' associations which took up the cudgels of reform. These associations, however, were supposedly nonpartisan bodies and under their charters were not able to do much openly by direct action. None of them were as powerful or as effective as the ancient Rockland County Taxpayers' Association, which had, between 1905 and 1909, brought about the downfall of the corrupt officials after a long and strenuous fight.

Another condition which increased the difficulty of concerted action was the fact that nearly all of the newspapers were "hog-tied" to the political ring in control. It was almost impossible to secure any expression in their columns which reflected the slightest criticism upon the officeholders of the county. With one or two exceptions the voluminous examinations and reports on the fiscal affairs of the townships and the county, made by the state comptroller's examiners, were never mentioned in the county newspapers, which were receiving advertising, legal and other, from the public officials belonging to the ring. It did not matter whether the county newspapers were Republican or Democratic, a condition of timidity prevailed.

The public did not know what was going on at the county seat. The annual reports of the proceedings of the board of supervisors, including the reports of the county officials, were not published until six or eight months after the end of the fiscal year. These annual reports were worthless to the

taxpayer, being for the most part incomprehensible and often incorrect.

In other words, the whole county was in a fog as to its public affairs. Year by year the taxes increased and year by year the salaries of the county officers were increased by the board of supervisors to an extent entirely out of proportion to the size of the county and in comparison with salaries paid by adjacent counties.

But within the past year and a half several factors have come to the fore to arouse the people of the county to a demand for a new deal in county government. One of these was Governor Roosevelt's tour through the state to advocate reform in county government. He pointed out methods and means for reform.

Another factor was the prospective bridge across the Hudson River which was to be finished in 1931 or 1932 and would open the line of traffic from metropolitan New York to Rockland County. The progressive real estate men and newer citizens of the county were awakened to the possibilities of increased values and population that this project would stimulate.

A third factor that aroused the people of Rockland was the adoption by the board of supervisors, in 1926 or thereabouts, of a building program for the county which would eventually involve the taxpayers in a commitment of two million dollars or more. Little was known about this proposal to build a new courthouse and jail until it was a closed book as far as the taxpayers were concerned. The board of supervisors decided not to put the matter to a referendum by the electorate. Under the county law they felt that they were able to do almost anything they pleased, provided the new buildings were erected on a site not more than one mile from the old county seat.

Another element that entered into the reform movement was the humble part played by the writer in aiding a small weekly publication called *The Rockland County Taxpayer*, published for the purpose of disclosing hitherto unknown details of the courthouse and jail building program and the methods involved. The paper published the reports of the comptroller of the state on the fiscal affairs of the county and townships, which had been persistently ignored by the county press.

One of the leading taxpayers' associations of the county, taking cognizance of the comptroller's reports, asked the board of supervisors to explain their derelictions, so called by the comptroller's examiners, and to explain the charges of improper, illegal, and defective practices. The taxpayers' association was given no satisfaction by the board except to name a date, entirely inconvenient to the taxpayers, when they could "come and see for themselves." I myself, as a considerable taxpayer in Rockland County, made a similar demand. Like the taxpayers' association, I was invited to come and see for myself. This was the attitude of the "gang" of self-perpetuating officers who held the county in their grip.

I then placed the entire case before the governor of the state—recapitulating the entire situation, enclosing exhibits of letters exchanged, and resolutions passed—and requested that a commission or some other body or individual, as the governor might select, be appointed to examine the conduct of government in Rockland County. My request was based upon the statements of the comptroller's examiners that many accounts were impossible of intelligent audit and that amounts approximating $100,000 had been improperly paid during the fiscal year examined.

Coincidentally, the chairman of the executive committee of the leading taxpayers' association of the county made a similar appeal in the name of the association. All these matters were set forth at full length in the weekly publication and resulted in direct political action.

The fear that had so long engulfed the little taxpayer of Rockland County was lifted by this boldness. Although the governor did nothing, the people were thoroughly aroused and the so-called Republican ring was smashed on November 5 at the polls when the majority in the board of supervisors was changed from Republican to Democratic, and a Democratic assemblyman was elected for the first time in many years. Other minor county officers of the ring were defeated.

The new régime in its platform set forth constructive programs based upon Governor Roosevelt's scheme of reform in county government, specifying local reforms and progressive movements in town and county matters. They took up the reform policy advocated by *The Taxpayer* for economy and efficiency in the government, for taxes to be collected by the county treasurer, for legislation to prevent future bond issues without a referendum of the electorate, for correct, lucid, orderly, comprehensive and expeditious publication of the proceedings of the board of supervisors, for cessation of all acts branded by the comptroller as illegal, for standardization of county accounts and the budget system as set up by the comptroller, for the appointment of a county auditor, for live and representative party organizations working for the good of the county instead of the interests of the officeholders, for an alert county press uninfluenced by the powers-that-be or official patronage, for planning and zoning to operate in the interest of the taxpayers instead of the favored few, for progressive school boards, for the development of the county into an ideal homeland with equal justice and rights for all and with special favors to none.

Thus the first and most important step has been made in the campaign for reform in county government in Rockland County. An almost complete political turnover has been brought about by the agitation of the taxpayers of the county irrespective of party alliance. Practically an entire new régime has come into power pledged to economy and efficiency in county government.

What has been accomplished in Rockland County can be accomplished in every backward county in the state of New York by a vigorous and patriotic campaign by taxpayers, utilizing the great library of reports that lie dormant in the office of the comptroller of the state but are seldom if ever referred to in the newspapers of the counties which they affect.

AN INTERVIEW WITH THE CHIEF OF POLICE OF ROCHESTER, N. Y.

BY ALFRED GATES
Rochester Bureau of Municipal Research

What has been accomplished by the Rochester police department sounds deceptively easy as Chief Kavanaugh relates it. Sound judgment, perseverance and energy united with science and high ideals to get results.

"The old days of knock 'em down, drag 'em in and shake 'em down, are gone forever. Police work has taken on a broader and more scientific aspect than citizens realize, and it is only through the application of these new principles that police work can accomplish satisfactory results in an age when man demands the exactitudes of science as a basis for truth rather than opinions carelessly arrived at."

With such an introduction Chief Kavanaugh, Rochester's young-in-age but old-in-service chief, introduced the writer to the inner functioning of his police organization.

Chief Kavanaugh came up through the ranks. He is forty-six years of age and is entitled to a pension in June of this year after twenty years of loyal and efficient service. By those who know Andy, what he has accomplished, and what we know he will accomplish if he continues in service, it is sincerely hoped that Chief Kavanaugh will not take advantage of his opportunity to leave the service in June.

Just imagine that you were with me on a trip through the Bureau of Police in company with the chief as he explained to us some of the details of the interesting work that he is doing.

We were standing outside the old police building on Exchange Street.

"This building looks pretty old, Chief. Have you room enough to house a headquarters division comfortably and efficiently?"

"No. We need a new building," said the chief. "But there is an interesting story right here that you ought to know about. Were you familiar with the physical layout and appearance of this place in 1927?"

"Oh, yes," I replied, "I used to frequent it occasionally in the course of my work and was always impressed with the dinginess and disorderly appearance of the place."

"Well," said the chief, "you know that we are allowed so much a year for labor and it occurred to me that a great deal of that money was being spent ungainfully. Oh, I mean by that that laborers used to eat it up by filling and painting lanterns and idling away valuable time, so I bought a lot of paint and brushes and set them to work here. Not only did we paint but we also tore out a bunch of partitions, put new ones up in different places, and brightened the old place up so that the men feel that they are working in a police station and not a barn. All it cost us was a few dollars for paint and brushes, and we have organized the space inside for much more efficient and satisfactory police work and at the same time have toned it up so that it is much more pleasing to anyone entering police headquarters."

KEEPING TABS ON THE MEN

We entered the chief's office.

"Chief, what is that switchbox over there?"

"Say, boy," said the chief, "that's the greatest morale builder in the police department. I can plug in there on any call coming to or going out of any precinct and headquarters as well, and get the low down on any conversation. Every time a call goes through the central board, and all calls must, a light shows."

"Well, Chief," I asked, "don't they know that you are listening in?"

"No, sir," replied the chief, "no one ever knows when I may be on the line. The other day a lady called into Number Three and was giving a complaint about a car having been parked in front of her house too long. The station officer on the other end of the line was inclined to be a bit discourteous. After I had listened to the conversation, and the lady had hung up I gave the officer a buzz and reminded him of the fact that courtesy to citizens was one of the essential duties of a Rochester policeman.

"This little apparatus keeps me in pretty close touch with the situation at all times. It is convenient to know about things when they are happening without the other fellow knowing that you know it. If things come to a show down you can sort of take the wind out of a fellow's sails by telling him exactly what he said.

"I have started another wrinkle which gives me a lot of information. Do you see that Kardex file over there? Well, that's my personnel record. Every man on the force has a card in that file which gives the date of his appointment, personal description, attendance to duty, sickness and leave record and, most important of all, a personal record of achievement. It is a complete and compact record file

CHIEF ANDREW KAVANAUGH

which is kept in that manner for a four-year period. After that the cards are filed away alphabetically. In the old days when we wanted to know about a man's record we'd reminisce for a while and then agree that we didn't quite remember about this guy. Now we don't have to remember. A card does it for us. It's a big help in making transfers and promotions and in knowing who is on the job and who isn't."

"Is that file open to anyone, Chief?" I asked.

"Not on your life," replied the chief. "That file is open only to the deputy and myself."

At this point the chief stepped over to his desk and picked up an eight-and-a half-by-eleven notebook which he described as his personal record of unusual complaints. It was a looseleaf typewritten record of complaints that had come to the chief's attention, filed by streets and cross indexed according to person's names and the nature of complaints.

"I intend eventually to have every precinct keep a record of this kind," the chief explained. After we get this thing going if a complaint comes in about the Blank family on Henry Street in the Sixth Precinct, the Sixth can look up its record and check three ways to see just what this Blank family have against them. It will help us in checking dope joints and disorderly houses, to say nothing of chronic law breakers. As we discover through our complaints and arrests that persons and conditions move from precinct to precinct these looseleaf sheets will follow them. We can spot our bad locations pretty easily at any time."

FINGERPRINTS AND PHOTOGRAPHS

"Chief," I interposed at this point, "I have heard a lot about fingerprinting and photographing in police work, but I never had much of an idea how it is done. I wonder if we can go up to the Bertillon room and look things over?" And here the chief's face lightened up with a broad smile as he led us directly to his Bertillon office where he outlined some of the work of this division. "With this new photographic equipment," said the chief, "which, by the way, is approved and recommended by the International Association of Identification, we can photograph a man in full size or we can take group pictures in as many positions as we like. These group pictures are often of great assistance. One of the greatest improvements in this outfit is our lighting. These long tubular lighting arrangements which you see hanging from the ceiling are Cooper-Hewitt lights which make photographing accurate. In the old days men knew when they were going to be snapped and they could distort their appearance. With this new equipment they never know when the birdie is going to wink its eye. These cameras are all new and of the latest design. We get real pictures now. We've enlarged our darkroom and have arranged it so that system in developing has meant great speed and accuracy. That projection printer over there is the best made and it allows us to step up our fingerprinting photographs to many times their natural size. It makes comparison that much more certain by bringing out each little detail. Then we also have a new printing machine which is accurate and speedy. We have just taken on a man in this division to make mechanical drawings of scenes of crime. The whole point to this new layout is that if we want pictures in a hurry we get them and we are sure that they are of the best."

"Chief, whom do you fingerprint and photograph?" I asked.

"Every morning," said the chief, "our whole line-up is brought up here. Fingerprints and photographs are taken. We take no chances on letting someone whom we want, or some other city may want, escape us."

"How are the prints and photographs filed?" I asked.

"Remember the days of the old rogue's gallery?" said the chief.

"Yes," I replied.

"Well, we still have it, but we also paste a picture on the record sheet of each individual person. As soon as we can get a requisition through for some more filing space we are going to classify these pictures and names of persons by crimes. That will save us a lot of time in locating a person's picture and name who we know is wanted for a particular type of crime. The fingerprints are classified and filed according to type, which is a standard method of filing, of course." And here the chief said laughingly, "Do you see that bottle of wine up there? Well, examine it closely and you'll see a fingerprint on it. There is an interesting story in connection with that bottle and one which shows the infallibility and value of fingerprint work.

THE WHISKEY THIEVES

"Burglars, known as the Whiskey Thieves, had committed eight drug-store burglaries, stealing nothing but whiskey. On the morning of May 3, 1928, an officer from the Fifth Precinct, while patroling his post on Lake Avenue, discovered the rear door of the Davis Drug Store, 1485 Lake Avenue, had been broken. His investigation of the store disclosed that the whiskey vault had been entered. Mr. Davis, the owner, was notified and his report was that $875.00 worth of whiskey had been stolen. Detectives Fleming and Pribus were assigned to the case by Captain J. P. McDonald of the Detective Bureau and the Bertillon officer was instructed to make a search for fingerprint evidence. A bottle of wine was found on the floor of the vault and this was brought to our photographic department and a fingerprint, which had been developed by powder, was photographed. A check was made against our fingerprint files for a fingerprint which would compare with the one taken from the bottle. None was found and the photograph of the print was filed under fingerprints found at scenes of crime.

"On July 13, 1928, at 3:00 A. M., while patrolling his post on Thurston Road at Raeburn Avenue, Officer Leiston of the Sixth Precinct observed two men in a Buick coupé with a set of Michigan auto plates on the car. He inquired as to what their business was and they stated that they were having trouble with the car and were unable to get it started. The officer attempted to start the car and it worked O. K. He then arrested the two men on a holding charge of vagrancy and took them to the Sixth Precinct. At 8:30 A. M. at the police line-up it was disclosed that one of the men had a police record, but the other man, Galpin, had none. He was photographed and fingerprinted and it was then discovered that his left index finger was the same as the one on the bottle of wine taken from the Davis Drug Store on May 3. He was questioned by Captain McDonald relative to the burglary, at first denied any knowledge of same, but when shown his fingerprint on the bottle and the photographs made from same he admitted that he was one of the burglars and also implicated the man arrested with him and gave the name of the third man. The second man refused to give any testimony that would incriminate him and was discharged in police court. Galpin was indicted by the grand jury and pleaded guilty in county court and received a suspended sentence of two to four years in Auburn Prison to make restitution of $875.00, the value of the whiskey stolen from the Davis Drug Store. Although Galpin admitted that he and the other two men had committed the burglaries in the other drug stores, there was no proof that they had, and the people would be unable to convict without corroborative evidence."

AUTO THEFTS REDUCED

After the chief had related this story I told him that it was certainly convincing from the standpoint of the value of identification, but that the officer who checked up on the foreign license plates on that automobile was on his job, too, and this led to the question of what the Rochester police force was doing by way of the recovery of stolen automobiles. Here the chief again swelled with pride and hazarded the guess that Rochester had one of the best organized systems to reduce the amount of automobile thievery and to increase the percentage of recovery of any city in the country.

"We have an auto theft bureau," said the chief, "which was organized in January of 1929 which does nothing but work on auto thefts and recoveries.

The bureau has worked out a very complete and fool-proof set of records and it works in close harmony with all precincts, automobile dealers, storage warehouses, gas stations, the state motor vehicle department and police departments of other cities. There are twelve men who are constantly doing detective work on automobile thefts."

"Well, Chief," I said, "how do your figures on automobile thefts and recovery for 1929 compare with those of other years?"

As we stood in the office of the auto theft bureau the chief pointed to a large blackboard which hung on the wall, and said, "There's the dope. Look it over."

This blackboard carried a running chart month by month for the years 1927, 1928 and 1929 of thefts and recoveries. In 1927 there were 1,293 cars stolen and 1,213 recovered, a recovery percentage of 93.8. In 1928, 868 cars were stolen and 804 recovered. This revealed a recovery percentage of 92.6. But here is the interesting thing. In 1929 there were only 592 cars stolen and 566 recovered, or a recovery percentage of 95.6. After studying the figures for a short time I asked the chief the answer to this great reduction in the number of thefts.

"Well," he said, "we have sixteen prowl cars on the force which have displaced the old, noisy motorcycles. These prowl cars operate day and night and catch a bunch of fellows in the act of stealing cars. Then, too, the thieves and potential thieves realize that we are constantly tightening our ropes of recovery and are checking up every possible source of evidence. I think the real answer is that we have them thinking that Rochester is a poor city to operate in."

THE RESEARCH DIVISION

From the auto theft bureau we stepped across the hall to the chief's newly instituted research division and the chief told us with pride that the head of this division was the first college graduate that the Rochester police department had ever had.

"This division," said the chief, "is concerned with the examination and identification of evidence, such as projectiles, cartridges, guns, blood stains and innumerable other evidence-giving objects. It has been established in coöperation with the Bausch and Lomb Optical Company and the Eastman Kodak Company. We keep in touch with their research engineers all the time to be sure that we may get the advantage of the latest developments in microscopic and photographic instruments. Possibly you would be interested in knowing what kind of apparatus we have in this research division. There are two standard metallurgical microscopes with focusing substages, a standard microscopic camera, a micro-chemical scope with polarizer and analyzer, a stereoscopic microscope, a chemical scale for weighing minute substances, and a small stock of chemicals for analyzing work. Just to show you the way this bureau operates I'll give you a brief incident that occurred not long ago.

"We had a murder here on January 5 of this year which we suspected a certain person had committed. This suspect was brought in and the gun which he possessed was fired and the bullets were compared with those found in the victim's body. They were found to be so dissimilar in their markings after careful analysis under our scientific scopes that the suspect could not be held on these grounds.

"In another instance a man was found dead in a room with a revolver broken open lying on the floor beside him. Examination revealed the fact that the man had been shot in the head and had died instantly. There was one empty cartridge in the gun. The

question was puzzling to the police because most of the evidence pointed to suicide and yet the question prevailed, 'Why should, and how could, the revolver be broken unless someone other than the victim did it?' Examination of the cartridge found in the gun by our scientific scopes revealed the fact that an automatic cartridge had been used in an ordinary revolver and that the breach lock was slightly rusty. Several more cartridges of this same type were fired from the same gun and each time the gun, upon being fired, would automatically open itself because the oversized automatic cartridge together with a slight amount of rust would not allow the breach lock to close. When this evidence was revealed the coroner issued a certificate of suicide. It is this type of work which this division accomplishes. As time goes on and as we become more and more accustomed to and familiar with this technical work, scientific evidence will be developed to a high point. It is exceedingly valuable in detective work."

"By the way, Chief," I interrupted, "the mention of detective work reminds me that I was over here at police headquarters a couple of years ago and at that time there was some talk about checking up on the work of the detectives. Has anything been done along those lines?"

"Yes, sir," emphatically replied the chief. "Every time a detective is given an assignment a card is made out giving the time of the assignment and some other miscellaneous information. Progress on all assignments is reported by the detective and is carefully followed so that we now have efficiency reports on all detective work. Another thing done in the detective division was to abandon the policy of hiring taxis for detective work and to purchase four Ford sedans for the use of the detectives. We used to have an annual taxi bill for this item of about $6,000 and still when we wanted a car in a hurry we had to wait for the cab service. Now we are getting transportation quickly and for less money, and believe you me, 'quickly' in detective work means something."

GOOD STATISTICS HELP

We left the discussion of the detective division when the chief led us to the division of statistics, another newly instituted division where he introduced us to the department statistician who explained that practically all of the record work of the bureau of police is concentrated in the office of this division.

"In the old days," he explained, "the precincts were loaded up with report work. In many instances the forms would not supply us with the information which we desired. Now we get one daily record from each precinct which takes the place of four of the old, lengthy precinct reports.

"Monthly reports of natures of crimes and services are made in this office now," he continued, "whereas before this division was instituted, each precinct made its own. We have completely revamped the forms for our report work and have reduced them in number to a considerable extent. The great value of this is that the precincts are doing more police work and less clerical work and our records are in far better shape than they were before. We have established in this division a permanent arrest card for everyone arrested. In short, we have the low down on what police record a man has behind him when we get him, if we have ever had him before."

BUILDING MORALE

"Say, Chief," I interposed at this point, "we hear a lot these days about *morale* in organizations of any considerable size. What's your slant on this point in relation to a police department?"

"Well," said the chief wisely, "building morale is a matter of showing the fellows that you have a real interest in them and making them feel that you are doing everything in your power to give them good working conditions."

"That sounds logical, Chief," I replied, "but specifically, how do you do it?"

The chief replied, "We have organized a police school which was opened in 1928. Every man on the force under ten years of service is required to attend school one day a week for two hours. The instructor has had training in a police school in New York City. He lectures on fundamentals of police work, conducts open question periods on specific and technical points and the fellows feel that they are learning what to do and what not to do in line of duty. In short, they know more about their job, which I believe is fundamental in making a fellow like his job. Of course, there is another valuable result from this school work, too. You know the boys don't like to be shown up in front of the others so that during lecture and discussion periods they are constantly on their toes to "get the dope" so that if they are called on later they can give an intelligent answer and not appear to be dumb among their fellows.

"Another morale builder is our target range," continued the chief. "We built this range in the basement of an old city building in 1928. We did it with our own labor and it cost us very little. It consists of five, ten, fifteen, twenty and twenty-five yard marks. Every man in the department must practice in revolver shooting once a month and we check up very closely to see that they report for this practice. We have an ex-army man as instructor and the range is open for practice at any time. We had a competition match here a short time ago between five men from the east and west divisions of the city. These men were picked by elimination matches, and a 38 Colt revolver with holster was offered as a prize to each man on the winning team. The competition developed a keen interest among the men and at the same time taught them how to handle their weapons. As I said before, by developing interest and knowledge, morale can be built.

"Another point here is that extra or overtime duty has been cut to a minimum. As an example, extra duty for parades has been cut out. Night men are not required to appear in court the next morning to give evidence. In other words, a night man can get his regular sleep in the daytime without being interrupted to appear in court on overtime duty. This makes the men feel that their off time is their own except in extreme instances when crises occur.

"Well, Chief, this has been a very interesting trip and we leave the bureau congratulating you for the improvements in methods which you have instituted, and particularly what you have done toward building morale because after all that is the heart of a police system. We leave convinced that you are rendering a real service to those people for and with whom you work."

"Well," said the chief, "there has been a lot of fun in it for me but I could not have accomplished these things unless I had had the complete coöperation of my immediate superiors. The director of police, the commissioner of public safety and the city manager have certainly coöperated to the fullest extent in carrying out what I have outlined to you."

THEORY AND PRACTICE IN STATE ADMINISTRATIVE ORGANIZATION

BY HARVEY WALKER
Ohio State University

The author questions the dogma of state administrative reorganization through concentration of power and integration of functions under the governor. :: :: :: :: :: :: :: ::

THERE seems to be an irreconcilable difference of opinion among experts as to the fundamental principles which should govern the organization of our state governments. One can only weigh them, as the judges do, and attempt to determine the weight of authority.

THE MAJORITY OPINION

Judging by its acceptance, the majority rule seems to be that expressed by A. E. Buck in his pamphlet, *Administrative Consolidation in State Governments.* He says, "During the past decade certain standards with respect to administrative reorganization and consolidation have been developed. These are not theoretical, but are based upon experience and supported by actual practice in several states." They may be stated briefly as follows: (1) Functional departmentalization of administrative agencies; (2) Fixed and definite lines of responsibility for all departmental work; (3) Proper coordination of the terms of office of administrative officials; (4) Use of single directors, rather than boards as administrative agencies." He goes on to say, "The above standards are not uniformly accepted, since in every state reorganization there has been more or less of a fight between those who sought the new system and those who supported the older order of things. In some of the states this opposition has been so strong that the consolidation plans adopted were to a large extent compromises in which standards gave way to expediency. . . ."

The key to this philosophy (for such it surely is) lies in the following statement: "Those who have made a careful study of state constitutions are of the opinion that the governor ought to be the only elective administrative officer and all the administrative machinery of the state government ought to be carefully departmentalized and placed directly under his supervision and control."

While we may disagree with Mr. Buck as to the universal acceptance of these principles, we must admit that he has stated the majority view. Because of its widespread acceptance and the use in the teaching of state government and administration, it behooves us to examine the bases upon which it rests, and the causes which have led to its adoption by political scientists.

The first substantial contribution to the theory of administrative reorganization is found in Chapter II of the report made by the New York Bureau of Municipal Research on the "Constitution and Government of the State of New York," issued in 1915. The chapter is entitled "Standards for the Appraisement of the Present Constitu-

tion and Government." One has only to compare the cautiously worded statements of this chapter with that of Mr. Buck to see how much confidence the proponents of executive domination have gained in fifteen years.

The chapter on standards which has been referred to contains a number of concepts. The most important is that a close analogy exists between a state government and the management of an ordinary joint stock company. This analogy is familiar to all students of public administration, as are also the main points at which such an analogy is defective. Without going over this familiar ground, it may be suggested that the analogy is more dependable when applied to function than to form of organization; the report made the error of attempting to apply it to both. A second concept is that of executive responsibility. Here the experience of European countries is cited. It is not pointed out that the basis of executive responsibility in a constitutional monarchy, or under a cabinet system, is essentially different from that found in our governmental system. A third concept is that of the separation of staff and line functions. While there is some question as to the extent to which this principle can be carried advantageously, it would take us far beyond the scope of this discussion to go into the matter.

In the chapter of this New York report dealing with the governor and the administration, which follows, may be found the progenitors of others of the "principles" of the prevailing theory. Such, for instance, is the assertion that the clause of the state constitution which purports to vest the supreme executive power and authority of the state in a governor, was intended to make him head of the administration. This assertion is found with monotonous regularity in subsequent reports in other states. In this case, a neglect of historical background has led the experts into the serious error of contending that a clause which had its origin at the inception of our state governments, when there were few or no administrative functions, when the governor was subordinate to the legislature, and which was carried forward into subsequent constitutions without debate, should be given an effect which would flatly contradict the whole history of state administration.

The report also contains a denunciation of boards or commissions as administrative agencies, a pronouncement against constitutional executive officers elected independently of the governor (with the possible exception of the auditor) and a suggestion for regimentation of line agencies into a small number of functionally organized departments responsible to the governor. Thus all of the "principles" which are urged today in favor of administrative reorganization of the strong executive type can be traced to this document.

Another current of thought which has influenced the development of the theory of state administrative reorganization is that which attempts to draw an analogy between the government of our states and the federal government. No doubt this idea was in the mind of the writer of the New York report, although it seems not to have been mentioned.

Later reports are more outspoken. Governor McKelvie of Nebraska, for instance, points out in an article in the *American Review of Reviews*, that the movement for the reorganization of the state governments is simply to fashion state governments into the more perfect type of our national government. He says, in part, "Briefly, it is simply a return to first principles, as embodied

in the government of the United States, a republic the like of which has never been founded." Such appeals to blind patriotism are typical of the unscientific attitude in which the problem of state administrative organization has been sometimes approached. Every student of public administration knows that the analogy between state and national governments is not as close as would seem at first glance; and there are few who would propose the structure of the federal administrative machinery as an ideal to be striven for by any government, state or local.

TIME FOR EVALUATING RESULTS HAS COME

It would seem that sufficient time has elapsed to justify an attempt to evaluate the results of this strong executive theory; and, if the hypotheses are found inadequate, to reformulate or abandon them in favor of new ones. Unfortunately no one has yet attempted to do this work on a comprehensive scale. The few local appraisals which have been made are not all scientific in their approach and method.

Typical of the appraisals which may be thus criticized are the messages of the governors. These bear unmistakable earmarks of political and personal bias. The governors are usually favorable to the scheme of integration because it enhances the prestige of their position and multiplies their opportunities for the manipulation of the state government to their personal or political advantage. Governors belonging to the party which was responsible for the adoption of reorganization can find many more evidences of the benefits of the scheme than those representing the opposite political faith. It would seem that neither of the two national parties has a monopoly on reorganization plans or accomplishments. Outstanding Democrats such as Governor Smith of New York and prominent Republicans such as Governor Lowden in Illinois have been champions of the cause of the downtrodden and neglected office of chief executive in the states. And the opposite parties in each instance have not hesitated to criticize their schemes. *Sic semper politicus.* It is interesting to note that in both of the instances cited, the activities of the governors in connection with reorganization were an important factor in their candidacy for the nomination for President of the United States.

It is not likely that political scientists can expect to get a scientifically accurate picture of the results of reorganization until men thoroughly grounded in the science make a painstaking examination of the evidence. This is a huge task—one which cannot be accomplished by consulting published reports and remaining "on the outside looking in."

I am not convinced that experience has shown that comprehensive reorganizations are preferable to piecemeal reorganizations. If one could assume that equally careful studies would be made in both cases there might be little choice. But I saw Theodore Christianson mount to the governor's chair from a comprehensive reorganization which upset valuable relationships of long standing between administrative departments and the public, aroused the ill will of practically all of the permanent employees of the state, led to an attempt by untrained politicans to question the propriety of expenditure programs mapped out by professional employees, and caused a serious break in relations between the governor and the state university. Of course, there were many factors which entered into the total situation, but I, for one, am will-

ing to postulate that piecemeal reorganization could have accomplished all that was good in this new system in Minnesota without creating all the enmities which now exist. Such a program could have been based upon more careful study of smaller segments of the problem, and I am satisfied that, although it might require a longer time to accomplish the result, the delay and study would produce less friction and more benefit. The careful political scientist, working with the administration, should be able to recommend these piecemeal changes in the direction of what is best in organization.

SHOULD THE GOVERNOR HEAD THE ADMINISTRATION?

The hypothesis that the governor should be the head of the administration seems to me to need revision in view of experience, as well as in view of sound theory. I have had the opportunity in Ohio to watch rather closely, from the inside, the operation of the state administration under the first governor since 1921 who has been in sympathy with the code. During the twelve months which have elapsed since the present governor took office, all of the constructive work in coordinating administrative activities and in placing the administration on a sound business basis has originated in his staff agency, the department of finance. This is not due to a lack of ability or interest on the part of the governor, who has always been glad to endorse any forward-looking scheme, but to a lack of time on his part to give study to administrative problems. It seems to me that in our larger states we can never expect the governor to be more than a chief administrator in name. His time must be spent largely in his executive, legislative and political tasks. He cannot in a single two-year term gain sufficient knowledge of the existing administrative structure and its functions, and of the principles of sound administrative practice, to make his influence felt upon the administration. The weekly or bi-weekly sessions of his cabinet must of necessity be devoted largely to political questions—matters of patronage and considerations affecting public opinion.

This situation has led in Ohio to a condition which seems to be inevitable, namely that the chief of the governor's staff agency shall be the real chief administrator. Appeals by department heads from actions of the director of finance to the governor have frequently caused a reversal of sound administrative decisions on political grounds.

The next step in theory and practice may lie along the line suggested by this development. Why maintain the fiction that the governor is the responsible head of the administration if experience shows that he cannot assume that rôle? May I suggest that we formulate a new hypothesis more in accordance with the facts?

I submit, as such an hypothesis, that we should recognize in our states, as we have done with such conspicuous success in our cities, that there is an essential difference between executive and administrative functions. We all know that administrative work is best done by experts. We also know that it is difficult, if not impossible, to secure competent administrators through the process of election. The development in our states which has just been described bears out this point.

WHY NOT A NEW OFFICE—THE CHIEF ADMINISTRATOR?

Why not, therefore, provide for the office of chief administrator—to conduct the routine business of the state along scientifically sound lines? This was the object of the Oregon proposal

of 1909. That suggestion contemplated the creation of the office of business manager, under the supervision of the governor. The business manager was to be an expert, and was to have full charge of the administration. The governor was to retain all of his political authority and a general supervision over the activities of the administrator. With the development of the power and prestige of the director of finance, the reorganized states seem to be approaching the Oregon proposal more and more closely. It is unfortunate, I believe, that our theorists in state administrative organization did not follow up the Oregon suggestion instead of turning to the federal and corporate analogy, which has led us into devious paths to arrive at what we could well have started with twenty years ago.

Another point at which experience seems to belie theory, is in connection with the hypothesis that adequate control over the governor will automatically result from the adoption of the principle of integration. Much of the reluctance to confer wide powers on the governor which exists in legislative bodies when reorganization proposals are presented can, I believe, be traced to the conviction that the grant of such sweeping powers should be accompanied by correspondingly effective controls. Such controls have not been offered. The theorists say that concentration of authority is inevitably followed by a corresponding responsibility. But how can this responsibility be enforced? The only means available are the same ones which are present before reorganization—namely: the ballot, impeachment, and in some states, the recall. The ballot is available only at the expiration of the governor's term—and is of no value as a protest, because of its negative character. The opposing candidate may be quite as venial or unscrupulous, yet his election is the only means of enforcing party responsibility. In most of our states, impeachment may be brought only in a regular session of the legislature. Since, under a two-year term, the governor is out of office before the legislature meets, this remedy is of small value. Even under a four-year term, it requires the grossest abuse of executive power to assure the impeachment of the governor if he is of the same party as the legislative majority. If he is not, the charges are likely to be trumped up. Where the recall is available, it is used only when the people become thoroughly aroused. Corruption has an uncanny faculty of remaining hidden unless there is a vigilant minority searching for it.

HOW PROVIDE CONTROL?

One can hardly criticize the legislators who demand that adequate control accompany increased authority. It may, I believe, be confidently asserted that such control must be continuous if it is to be effective. It must be of the same type as that possessed by the city council over the city manager. Applying the analogy strictly, one might suggest that in order to establish this type of control, it must be done by having the governor chosen by the legislature, and removable by it at will. But there are many objections to such a suggestion. First, the legislature is not in continuous session. Second, the governor should not be, as we have shown, vested with direct responsibility for the administration. Third, there is need for political as well as administrative leadership.

All these objections can, it seems, be met by adopting the hypothesis that the chief administrator should be chosen for an indefinite term by the legislative body from nominations by

the governor, and that he should be subject to suspension by the governor and discharge by the legislature at any time. Such a scheme would retain the political leadership of the governor, establish a continuous control over the administration and make it far more possible to secure a competent expert as leader of the administration.

I will anticipate some of the objections to such a hypothesis. First, what assurance would there be that a competent expert would be chosen? Would he not be a mere political henchman still farther removed from political control than is the governor in our reorganized states? The answer is not easy, for the scheme has not been tried. But I believe that it is safe to say that such an expert is more likely to be chosen through appointment than through election. By setting up an adequate salary—say $25,000 to $50,000 per year—the people would expect more and would require more from the governor and legislature in their selection than can now be expected or required when the director of finance or of administration receives a nominal salary—which in practice must always be less than that paid to the governor. Continuity of control and continuous possibility of removal would exact a higher quality of responsibility from the whole administration and from the governor and legislature than our present system.

A possible second objection might be that such a plan would tend to create a bureaucracy. I am not afraid of bureaucracy, if it is held to a continuous responsibility for its acts. Popular objection to this particular stereotype could be overcome in time, as it has been in Great Britain, through a high quality of service to the public and dissociation of the civil service from partisan politics. Such accomplishments are hardly to be expected under our present system.

A third objection might be that the office of governor under such a plan would have little or no reason for existence. It must be remembered that the governor has many constitutional functions, such as the privilege of pardon and reprieve, and the veto. He also is required to act as ceremonial head of the state and as commander-in-chief of the militia. Even at present his duties as party leader consume most of his time. To my mind, the future of the office of governor lies in legislative leadership. Recent tendencies in administrative reorganization have tended to crowd out this concept. The creation of the office of chief administrator would leave the governor to do what he is best fitted for—to act as the voice of the whole people in the formulation of legislative policies. He would have the added duty of acting as the agent of the people in watching the day-to-day activities of the administration. He would be the continuous critic of the administration, exercising a function sorely neglected heretofore. On occasion, his power to suspend the chief administrator and to call a special session of the legislature to consider his removal, would give him a powerful weapon to enforce public opinion against administrative abuses.

It might be suggested in closing that some exceptions should be made in the theory of functional departmentalization of line agencies, in the rigid theory of the unfitness of boards for the performance of administrative functions, and in the theory of correlation of terms of office. Of course, the modifications in these theories which seem to be desirable under present conditions might well be obviated by a change in the fundamental structure of the administration, such as I have suggested.

RECENT BOOKS REVIEWED

REPORT OF SPECIAL COMMITTEE ON THE PAROLE PROBLEM, APPOINTED BY GOVERNOR FRANKLIN D. ROOSEVELT. January, 1930.

How to make parole in New York state something more than "an under-financed moral gesture" is outlined in the report of Governor Roosevelt's special committee.

An interesting contrast in expenditures is provided in the report. Archaic conditions in state prisons call for a prison construction program in the next few years of some thirty-eight million dollars. For the fiscal year, 1928–29, the present parole system cost only $90,000. Millions for prisons to put bad men away, but meagre thousands to help them to be good after they get out!

Definite recommendations were made by the committee, among them the creation of a full-time service parole board with a well-equipped organization and staff to carry on the work on a state-wide basis in accordance with the standards of good social case work. The report, while necessarily produced under pressure of time, is constructive and thought-provoking.

The personnel of the committee was as follows: Sam A. Lewisohn, chairman; Raymond Moley; George W. Alger; Edwin J. Cooley; Jane M. Hoey; and John S. Kennedy.

H. P. JONES.

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THE RECALL OF PUBLIC OFFICERS. By Frederick L. Bird and Frances M. Ryan. New York: Macmillan, 1930. Pp. viii, 403.

The initiative, referendum and recall in the United States were products of the so-called progressive movement which aimed to give the electorate a more direct control of their public officers. "The Recall of Public Officers" is the first attempt at an intimate and realistic study of the actual operations of the recall on a comprehensive basis. While the study is limited to the state of California, the general findings and conclusions of the study are certainly general in their application.

This commendable study shows that while the recall has neither fulfilled the hopes of its sponsors nor the fears of its opponents, it has in many instances proved to be a useful instrument of public control. The possibilities of recall in the hands of an alert and intelligent electorate are, of course, great, but in the words of the authors, "The electorate generally has not as yet learned to be any more judicious and discriminating in the recall of officials than in the election of officials." Nevertheless, the public has a sense of security in its knowledge of its possession of a potential weapon even though it may be questioned whether or not the average public official is greatly moved by being aware of this "gun behind the door." Although previous estimates of the number of recall elections actually held must be revised upward to some extent, yet the percentage of recall elections to the number of cities providing for its use is extremely small.

Here is a book which should prove interesting alike to the public official and the student of politics. Its realistic flavor in describing the intimate machinations of urban politics, which are oftentimes overlooked by the theoretical political scientist, deserves to classify the book as a picture of present political conditions as they actually are, rather than as they ought to be.

The publication of this political field-study marks one more step towards a working knowledge of the actual operation of our political institutions, rather than the comfortable armchair picture which many of our political scientists paint.

J. OTIS GARBER.

Bureau of Civic Affairs,
Toledo Chamber of Commerce.

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NEUES ALTONA, 1919–1929. *Zehn Jahre Aufbau einer deutschen Grossstadt.* By Paul T. Hoffmann. Jena: Eugen Diederichs Verlag, 2 vols., 1929. Vol. 1, 642 pp.

Altona is a city which, according to the census of 1925, has a population of approximately 225,000. It is in Prussian Schleswig-Holstein and adjoins the Free City of Hamburg. Like other German municipalities, it has just passed through a difficult and troubled decade. The present work, in two large quarto volumes, depicts "Ten Years of Reconstruction in a German Metropolis." *Neues Altona* is an official document written by a city official and published by authority of the municipal *Magistrat.* Three years were required for the preparation of the volumes which are

based upon city reports, interviews, and personal observations. An American municipality, wishing to survey itself, might call in a municipal research bureau or some outside expert. Altona summoned one of its own officials. The result is a history and a survey which is accurate, complete, objective, and nonpartisan.

The first volume is divided into five main parts: history and governmental organization; housing and planning; welfare activities; public security, health, and convenience; and industry, trade, and commerce, including municipal finance and utilities. The reviewer has not had the opportunity to examine the second volume which, according to the preface, deals with the character and significance of the metropolis; education and schools; and artistic, scientific, and cultural life. Of special interest to the reviewer was the discussion of municipal administrative reform (I, pp. 54–70)—an important and much debated question at the present time. How can the German city best simplify its government, reduce its expenses, and increase the efficiency of its services? In the pages just noted, Altona's efforts to answer this question are fully discussed and illustrated by well selected charts and photographs.

Undoubtedly, one of the most striking features of *Neues Altona* is the wealth of illustrations. The first volume contains 19 full-page color plates, over 300 photographs, more than 50 charts, and between 50 and 100 statistical tables. An attractive format is used throughout the work and the reader is provided with an adequate table of contents, complete index, and marginal headings on the side of each page.

Some of the volumes from the series entitled *Monographs of German Cities* have already been reviewed in these columns.[1] *Neues Altona* does not belong to this series, but it is much like the monographs in form and content. In many ways it is superior to them, for it is written by a single person and hence has a greater unity, it is more detailed, and is better illustrated. In short, the work is of great value both to the layman and to the expert. American students desiring to know something of what municipal government in Germany today is really like can do no better than peruse the pages of Mr. Hoffmann's remarkable volumes.

Roger H. Wells.

Bryn Mawr College.

[1] See National Municipal Review, January, 1929, pp. 39–40 and 56–58.

The Outer Drive along the Lake Front. Chicago Plan Commission, 1929. 153 pp.

While this report, like that reviewed last month (Plans for the Northern and Southern Riverfront, St. Louis), sets forth the reclamation and embellishment for use and beauty of an extensive portion of the waterfront of a great city, the present volume deals more largely with accomplished fact and the men who have been instrumental in bringing it about. In fact its 150 pages are chiefly devoted to a transcript of resolves, ordinances, court actions, previous committee reports and letters, with seven alternative engineering estimates for bringing about the great improvements for which construction drawings and specifications were finally authorized in July, 1929.

In brief, the two great lake-shore park systems of Chicago are to be connected. Lincoln Park now extends chiefly on filled land, for many miles along Lake Michigan to the north from a point four blocks north of the Chicago River. Similarly the South Park system extends to the south from its northernmost portion, known as Grant Park, which is only three blocks south of the Chicago River. Through the efforts of the Chicago Plan Commission the two independent taxing bodies handling these respective systems were brought together, and have now taken all legal steps necessary to construct each one-half of the intervening link: a 140-foot elevated road with 100-foot pavement, crossing the mouth of the Chicago River on a 108-foot bascule bridge with two 38-foot pavements. It is estimated that the new road may be ready for public use by May, 1931. It will then be possible to drive between any parts of the city near the lake over park drives independent of the regular street system, thus essentially completing the great lake-shore park and parkway development incorporated in the Chicago Plan twenty years ago.

Arthur C. Comey.

The Nonpartisan Ballot in Certain Pennsylvania Cities. By J. T. Salter. Norman, Oklahoma: Transcript Press, 1928. 257 pp.

Mr. Salter surveys the operation of the nonpartisan ballot in the 28 Pennsylvania cities of the third class from its introduction under the Clark Commission Government Act of 1913 to its repeal by the legislature in 1919.

In the first chapter, the history of the adoption

and repeal of the nonpartisan ballot in the Pennsylvania legislature is traced, and it is conclusively demonstrated that the "birdless" ballot was abandoned not because it was considered unworkable by the people, but because the politicians feared it would destroy party discipline. The united opposition of organization men offered a real testimonial to its effectiveness. The disclosure of the fact that Boies Penrose, widely quoted as favoring the nonpartisan ballot, was largely responsible for the passage of the repealer, throws further light on the question.

From material gleaned from questionnaires, interviews and press comment, Mr. Salter continues with an elaborate and lengthy symposium of opinions of organization men, elected officials and other interested groups. Next, he compares the merits of candidates under the two systems, indicating that those elected under the nonpartisan system were measurably superior in respect to such definite attributes as age, education, occupation, and experience in public office, and as to the more intangible characteristics of ability, character, and personality. In respect to the interest of electors, measured by the number voting and space devoted to election news in the press, and in the lessened degree of partisanship determined by the smaller number of purely party appointments made, the nonpartisan system compares favorably with the partisan. In the last few chapters campaign methods, issues, and methods of guiding public opinion under the nonpartisan system are discussed.

Mr. Salter stresses the need, especially in a large city, for an "organization as robust and effective as are the local branches of the national parties," with the community rather than the party interest foremost. He realizes the limitations of the non-partisan ballot, "which may facilitate sound thinking even though it cannot take the place of such thinking in municipal affairs," and concludes that it has a potent psychological as well as practical effect, and should be evaluated for what it is worth, comparing it with other electoral devices in use, rather than with some ideal system.

Mr. Salter's study, especially the section on Opinion, lacks a certain organization and unity perhaps because of the wealth of first-hand material presented. It would have been interesting if he could have devoted more attention specifically to the question of whether national party lines were eliminated from local elections, and if so, whether other cleavages having even less relevance to local affairs than the regular party divisions tended to appear, such as racial and religious differences which some authorities consider a real danger inherent in the nonpartisan ballot system.

To the student of practical politics the methods utilized in this study will be of significance.

BIANCA M. LEALE.

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AMERICAN CITY GOVERNMENT AND ADMINISTRATION. By Austin F. Macdonald. New York: Thomas Y. Crowell Company, 1929. xv, 762 pp.

With the number of textbooks on municipal government and administration in the field, it seems that an author must offer a justification when presenting another; in his preface, Professor Macdonald states that he has attempted "to introduce some new points of view, and to give newer problems of government greater emphasis than they have commonly received in the past."

One new feature of the book is an early chapter on "The Theory of City Government," which aims to provide the student with some fairly definite standards of evaluation, before beginning the actual study of the various plans and problems of governmental organization. In this chapter the author lays down as the fundamental principles of sound municipal organization the following: concentration, simplicity, and confidence. Throughout the book these principles are emphasized; they are, so to speak, the author's text.

In general the author has not been dogmatic as to the merits or demerits of governmental devices but has been content to present the arguments for and against and to indicate the tendencies and developments. Two examples may be given. In his discussion of the manager plan the author states that "manager government cannot guarantee the honesty and efficiency of city officials. It is merely a scheme for simplifying the municipal framework and making easier the task of selecting good men." In evaluating the recall he is frank to confess that "whether it has actually made public officials more circumspect no one can say with assurance."

Fifteen chapters of this book are devoted to government and a like number to administration. The question of balance and the proper amount of space to devote to the various questions discussed is one to be met by an author; this is especially difficult when both government and ad-

ministration are treated in a single volume. In general the reviewer feels that Professor Macdonald has made an excellent allotment of space to the various questions that he has considered. There might be some question, however, as to whether, in a textbook on city government and administration, more space should be devoted to a chapter on education and recreation than to one on revenues; and whether more time should be given to charities and corrections than to expenditures and indebtedness. The relative importance of the various subjects treated are, however, questions upon which no two men would agree. The author has a readable style and the book should prove to be a very satisfactory text. In the treatment of the engineering phases of administration, such as water supply, sewage and garbage disposal, the governmental aspects have been emphasized and the technical language of the engineer avoided. Throughout the book emphasis is placed on the functional aspect of the subject.

Charles M. Kneier.
University of Nebraska.

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Democracy: Its Defects and Advantages. By C. Delisle Burns. New York: Macmillan Co., 1930. 217 pp.

The Essentials of Democracy. By A. D. Lindsay. Philadelphia: University of Pennsylvania Press, 1929. 82 pp.

It seems strange that one of the conspicuous results of the war to make the world safe for democracy should be a world in which democracy is openly repudiated in numerous major governments of Europe and is everywhere somewhat suspect. The result has been to stimulate interest in the theory of democracy among its friends who for a generation had been taking it pretty much for granted. Among these are the authors of the present volumes, two British writers, who seek to reëstablish the theory of popular sovereignty. To begin with, there is little difficulty in demonstrating the weaknesses inherent in dictatorships such as a Pilcudsky, Mustapha Kemal, or Horthy have set up. The recent failure of Primo de Rivera comes as ample proof of that. Much the same is perhaps applicable to the party despotism now flourishing in Russia and Italy.

These authors agree in finding positive superiority in democracy. They differ slightly as to wherein the virtue lies. Burns redefines the common man as those ideas and attitudes which men have in common. He finds that the specialist in one field tends to become the common man in other spheres. To Lindsay the merit of democracy inheres in the process of public discussion—something akin to what Woodrow Wilson called "common council." But whereas he regrets that simple democracy must through physical necessity give way to a representative system, Burns is contemptuous of counting heads irrespective of their contents and would have representatives chosen in the Burkean tradition to provide leadership rather than to follow mandates of the electors. The authors agree that the key to democracy is to be found in freedom of discussion and organization, and effective opposition.

These two small volumes are pleasantly readable and plausibly argued. They are based strictly on English experience and display scant acquaintance with such American contributions as the still sturdy New England town meeting, or Tammany Hall, or democracy in Chicago or California. Burns' definition of a political party as "a group of persons acting together for certain consciously accepted purposes, a real unity of many minds not a mere collection of individuals" was not framed with the grand old party of Hoover, Bill Thompson, Bill Vare and Hiram Johnson in mind. And even in respect to the psychological and sociological premises upon which they rest their case for democracy, these earnest authors have not said the last word.

Joseph McGoldrick.
Columbia University.

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From the Physical to the Social Sciences. By Jacques Rueff. Baltimore: Johns Hopkins Press, 1929.

The Johns Hopkins University Institute for the Study of Law has been well-advised to publish this translation of Rueff's admirable little essay on method. Oliphant and Hewitt have enhanced the value of the book by the choice of pertinent illustrations from the field of jurisprudence in their introduction.

Those of us who have contact with human relations in the law court, the market place or the legislature have been greatly exercised recently by the possibility of "becoming scientific." No inquisitive mind can ever rest permanently at peace with itself, and remain bound to the routine acquisition of facts and to the impressionistic

solution of "practical" problems. The man who is merely an administrator, manipulator and technician is not quite a man, for he lacks a sense of his relationship to the larger intellectual aspects of his position in nature and society. The present urge to read and discuss "scientific method" is a wholesome sign that to specialize is not necessarily to robotize.

Rueff has undertaken to show that the physical and social sciences rest on identical foundations. The rational ego, he writes, has forged certain tools which collectively constitute the "reasoning machine." This machine consists of syntax, or the aggregate of rules governing the association of words, of formal logic, or the aggregate of rules governing the association of propositions, and of mathematical analysis, or the aggregate of rules governing the association of a particular category of words representing magnitudes. The reasoning machine works the same whether its object of reference is "physical" or "social."

This method of exposition does much to transcend the customary dogmatisms in terms of which a discussion of methodology is conducted. If the opening chapters are beguilingly simple, the reader must not expect immunity from technicalities. A long and difficult chapter is devoted to "Euclidean Theories" of economics. If the brevity and clarity of Rueff's brochure entices the reader further into the existing literature on method, he will have performed no menial chore. It is the belief of this reviewer that when the philosophy of events shall have found so competent an expositor and popularizer as Rueff, we shall be especially fortunate.

HAROLD D. LASSWELL.

The University of Chicago.

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SOURCE BOOK OF AMERICAN POLITICAL THEORY. By Benjamin Fletcher Wright, Jr. New York: Macmillan Co., 1929. 644 pp.

This compilation of American political writings and discussions is the result of what is doubtless a well founded "conviction that the study of political theories can be satisfactory only when the original writings are available to the student," and is here presented to him for the further reason that, while "most of the classics of European political theory, from Plato to John Stuart Mill, are now to be had in convenient and inexpensive editions . . . the writings of American political thinkers are, for the most part, not to be found in similar form."

On the whole the book should serve its purpose well. It does supply a convenient and, because the extracts are not too brief, really useful sampling of such political speeches and writings as are usually less available than some of those that are here omitted, for example the *Federalist*. Except for such obvious and intentional omissions as this, the selections seem, at least to one who is not a specialist in the field of American history, to be quite thoroughly representative of the growth of American political institutions and opinions.

Much of what is included is not, however, as the author is aware, from the works of "political thinkers," although, as representing the political ideas of the people, for that reason in itself not less interesting. The popular speeches in the more important of state constitutional conventions, and such extracts as are taken, for example, from the speeches or writings of Theodore Roosevelt, Samuel Gompers, Robert M. La Follette, Alfred E. Smith, and Herbert Hoover, are less in the nature of what is commonly reputed to be political thought than are the writings of a Thomas Jefferson, who is here also represented. Much of the former kind seems illustrative rather of political conduct than of political thought—thought, too, in a sense, but applied thought of thinkers long dead. This is especially true of what is offered for the period since the Civil War. Indeed, it is not yet quite clear what there is that can be called an American post-Civil-War political theory.

The selections, each with an introductory paragraph, are grouped into chapters each of which is headed with a well written historical introduction. In fine, this book would seem to be thoroughly useful as collateral reading for American college courses in American government, history or political theory.

WALTER SANDELIUS.

University of Kansas.

REPORTS AND PAMPHLETS RECEIVED

EDITED BY WELLES A. GRAY

Assistant Director, Municipal Administration Service

Expenditures for Recreation in Wisconsin Cities of 5,000 Population and Over, 1928.—By Celia Harriman, Municipal Information Bureau, University of Wisconsin. Madison, November, 1929. 4 pp. (Mimeographed.) Here are listed the expenditures for recreation by Wisconsin cities, classified according to celebrations and festivities, baths and bathing beaches, playgrounds, parks, etc.

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Report on Highway Traffic Conditions and Proposed Traffic Relief Measures for the City of New York.—By Day & Zimmermann, Traffic Engineers, Philadelphia. New York, Minutes of the Meeting of the Board of Estimate and Apportionment, October 24, 1929, pp. 7283–7518. Here, buried in the minutes of the New York Board of Estimate, is the much discussed report of the traffic survey for New York City, made in 1929 by Day & Zimmermann of Philadelphia. This is a complete study of the entire problem with recommendations for temporary and permanent solutions of its various aspects. (For copies of these minutes apply to the Secretary, Board of Estimate and Apportionment, Municipal Building, New York City.)

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Condensed and Tabulated Heating Rates, 1929–1930.—The Ric-wil Company, Union Trust Building, Cleveland, 1930. 6 pp. A tabulation of the rates and conditions of service established by 204 municipal and commercial steam heating plants and by 27 hot-water heating plants, in 30 American states and Canada.

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Suggested Sanitary Code for Cities.—Albany, New York State Department of Health, 1930. 44 pp. This code was prepared by a joint committee representing the New York State Department of Health and the New York State Conference of Mayors and Other Municipal Officials. Although designed primarily for cities in New York State, and, therefore, planned in accordance with local laws, it will be of general interest to all city officials. It includes sections on communicable diseases, milk and cream, meat and meat products, food and its handling, sanitation, swimming pools, etc.

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Report on the City of Pasadena, California.—By the California Taxpayers' Association. Los Angeles, Association Report No. 29, 1929. 202 pp. (Mimeographed.) This is the report of a general survey of the entire government of the city of Pasadena, California, made during 1929 by the Association. An interesting feature of this report is that it is in two parts, the report itself, and a brief summary of its essential provisions, separately prepared and printed.

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Survey of the City Government of Atlantic City, New Jersey.—By the Detroit Bureau of Governmental Research. Detroit, November, 1929. 184 pp. (Mimeographed.) This survey was made by the Detroit Bureau for the Atlantic City Survey Commission and covers all aspects of the city government.

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Abstract of a Survey of the Purchasing and Stores Department, County of Los Angeles.—By Albert H. Hall, Schenectady Bureau of Municipal Research. New York, Municipal Administration Service, 1930. 8 pp. The survey of which this is an abstract was made by the Bureau of Efficiency of the County of Los Angeles in 1929. This abstract summarizes the more important provisions of this report, including the data on the cost of administering the purchasing system, and the savings effected since the department was established.

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A Survey of Health and Welfare Activities in Honolulu, Hawaii.—By Ira V. Hiscock. American Public Health Association, 1929. 160 pp. This survey covers all phases of health and welfare administration in Honolulu, from administrative organization to the various specialized activities, such as vital statistics, control and prevention of leprosy, tuberculosis, venereal

diseases, maternal and infant hygiene, municipal sanitation, etc. Suggestions and recommendations for reorganization and the formulation of a future program are included.

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Standard Plumbing Code, State of New York. Albany, State Department of Health, 1929. 52 pp. This pamphlet comprises the sections of the state statutes which relate to plumbing, and a standard code for municipalities of New York State, recommended by the department of health.

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Unification of Railroad Freight Terminals.—By the Municipal Reference Division, Seattle Public Library. Seattle, January, 1930. 11 pp. (Mimeographed.) A bibliography of general and technical articles on the problem of unifying freight terminals, together with statements of the extent of such unification in 36 cities in the United States and Canada.

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Proceedings, Fifteenth Convention, New Jersey State League of Municipalities.—Trenton, 1930. 89 pp. These are the proceedings of the 1929 convention of the New Jersey League, held at Atlantic City, September 26–27. Among the speakers whose addresses are reported are George B. Ford, Flavel Shurtleff, and Colonel S. P. Wetherill, Jr., on city planning; Harold S. Buttenheim and Frederic Bigelow, on zoning; and Colonel Arthur Woods, on crime prevention. Copies are obtainable from the headquarters of the New Jersey State League of Municipalities, at Trenton.

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Municipal Research Bulletin, Vol. 2.—By the Buffalo Municipal Research Bureau. Buffalo, 1930. This is a bound volume of the separate issues of the *Bulletin* which appeared during the year 1929. Each issue discusses some aspect of the governmental affairs of Buffalo, such as the division of water, the city hospital, the mayor's budget, etc.

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1929 Transactions of the National Safety Council.—Chicago, 1930. 325 pp. This volume is the proceedings of the Eighteenth Annual Safety Congress, held in Chicago, September 30–October 4, 1929, under the auspices of the National Safety Council. It includes a noteworthy symposium on traffic, which deals with practically all the important aspects of the problem.

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Survey of the Sheriff's Department of the County of Los Angeles, California, 1929.—By the Bureau of Budget and Efficiency of the County of Los Angeles. Los Angeles, 1929. 321 pp. (Mimeographed.) An excellent and thorough survey of the functions and administration of the sheriff's office in Los Angeles County.

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A Report on the Problem of Fire Waste and Insurance Rates in the City of Boston.—By the Mayor's Committee on Fire Insurance Rates. Boston, 1929. 319 pp. This report was prepared with the assistance of the Albert Russel Erskine Bureau of Traffic Research, Harvard University, and the Field Engineering Department, National Fire Protection Association. It includes an examination of fire insurance rates in Boston and their relation to fire hazards and losses. Fire hazards and fire prevention methods are carefully analyzed and fully discussed, and there are many recommendations for improvement in the building code, the administration of the fire department, and fire prevention. It is a most complete and thoroughgoing study of the entire problem.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE
Professor of Law, New York University

Initiative and Referendum—Validity of Act Determined by Declaratory Judgment.—In an original proceeding in *quo warranto* under the Declaratory Judgment Act of that state, the Supreme Court of Kansas on January 11 held that the commissioners in cities of the second class have power to grant a franchise only with the approval of a majority of the electors voting thereon at a general election or a special election called for the purpose by the mayor (*City of Manhattan* v. *United Power and Light Corporation*, reported *United States Daily*, February 13, 1930). The defendants contended that upon a petition signed by more than 40 per cent of the voters, requesting the passage of such an ordinance, the action of the commission would be final without a referendum.

The value of the action for a declaratory judgment, now authorized in many of the states, to determine the rights and relations of parties affected by an ordinance or a statute is well illustrated in the instant case. The judgment of the court does not carry with it damages in favor of the plaintiff, but simply declares whether the ordinance is valid or void and what if any are the rights of the defendant thereunder. Under the declaratory judgment acts many questions that formerly could not be litigated until after the interests of the public had been seriously affected may be settled promptly by a judicial declaration of the rights of the parties. We may look to a frequent use of this remedy in coming years.

Special Assessments—Repayment of Moneys Collected upon Abandonment of Project.—In the October, 1929, issue we commented upon the decision of the Court of Appeals in the case of *District of Columbia* v. *Thompson*, 30 Fed. (2d) 476, in which the court upheld the right of the plaintiff to recover back moneys collected by the District in 1912 for the extension of a street, which project had recently been abandoned. The decision of the lower court was affirmed by the Supreme Court February 24 (reported *United States Daily*, March 1, 1930). The opinion, probably the last written by the late Justice Sanford, sustains the contentions of the plaintiff on all points.

The Court holds that the city stands in the position of a private person in holding money which in equity, good conscience or common honesty it has no right to retain. To the contention of the District that all its powers were statutory and no moneys could be paid out of the treasury without authorization of Congress, the Court replied that, under the circumstances here shown, no statute is required to impose upon a municipal corporation a legal obligation to make restitution. Continuing, the Court said:

> Here, although the Commissioners had been instructed by Congress to condemn the strip of land for the extension of Lamont Street, more than 14 years had elapsed during which the District had neither made this extension nor taken any step towards that end; it showed no obstacle which had prevented such extension; it had built a sidewalk and curb across the strip which constituted an obstruction to vehicular traffic; and it made no claim in its pleadings or proof that it desired or intended to make such extension at any future time.
>
> We think that these circumstances established, as a matter of reasonable and necessary inference, the fact that the District had abandoned the purpose of extending the street over the condemned strip; and that, this being so, for the reasons well stated in the Valentine case [*Valentine* v. *St. Paul*, 34 Minn. 446] the District was properly required to return to the plaintiff, as for failure of consideration, the amount of the assessment that she had paid, which it had retained contrary to equity and good conscience and held, by implication of law, as money had and received to her use. . . .
>
> Nor was the plaintiff's right of action barred by the statute of limitations of three years [District Code, section 1265.] The District contends that the plaintiff's claim accrued either when the verdict of the jury assessing benefits was confirmed in February, 1913, or when she paid the assessment in March, 1923. This contention entirely misconceives the nature of the plaintiff's cause of action, which is not based upon any illegality in the original assessment that would have given rise to any right of action when the benefits were either assessed or paid, but entirely upon the abandonment by the District of the proposed extension.

Streets and Highways—Power to Close Because of Danger to School Children.—The ever increasing urban vehicular traffic and the consequent danger to school children in going to and from their homes present one of the many current problems confronting municipal authorities. Obviously the most acute aspect of the condition is the congestion of the street immediately adjacent to the school building, and it was the alleviation of the danger at this point that brought into question the validity of an attempt to close such a street during certain hours on certain days during certain portions of the year (*Commissioners' Court of Harris County* v. *Kaiser*, 23 S. W. (2d) 840, decided by the Texas Court of Civ. App., Dec. 5, 1929). To this action of the county authorities the owners of property on the street objected on the ground that it deprived them of their property without compensation.

The question as to the right of a city to close a street because its use may be dangerous to children attending a public school situated thereon had previously been expressly denied in the case of *Stevens* v. *The City of Dublin* (Texas Civ. App., 169 S. W. 188, 1914). In that case the trustees of a school district threatened to close and fence off a part of the street so as to embrace it within the school grounds. It was held that the general power of a municipality to control, alter, widen, etc., and in the interest of public safety temporarily to close, a street did not authorize its permanent closing to the damage of an abutting owner. The decision was based upon the sole ground that neither the city nor the school district had been granted the power by any statute, the court expressly withholding any discussion as to the power of the legislature in such cases. This decision was deemed controlling in the instant case and especially upon the ground that the commissioners' court which was attempting to close the street was not invested with any general police power and that the unauthorized exercise of such power involved the taking of private property for public use without compensation.

That the owners of property abutting on a public street have such a property interest therein as will entitle them to compensation for the loss of ingress and egress because of the closing of the street is well settled. But limits upon the exercise of the police power in restricting the use of a street as against the property owners have not yet been precisely defined. What is conceived to be a proper exercise of such a power is illustrated by the ordinance of the City of New York which provides that (Code of Ordinances, c. 24, art. 3, sec. 37b):

1. Play streets, designated as such by constituted legal authority, are to be used, primarily, for children to play in;
2. All vehicles, such as motor cycles, passenger automobiles, automobile trucks, horse-driven wagons, or any other type of conveyance, are prohibited from using any street, designated as a play street, except as the requirements of the residents of the property abutting such play street may call for. (Added by ord. appd., April 13, 1925.)

The reservation incorporated in the above ordinance is a recognition of the rule that the legislature may not take away the rights of abutting owners without providing for compensation therefor (*Peace* v. *McAdoo*, 92 N. Y. Supp. 368). If a city owns the absolute fee in the street with the power to vacate it and the rights of abutting owners are not involved, it may close the street and dedicate the land to any other authorized use, such as a play ground or a park. Under such circumstances, the owners of adjacent lands not abutting on the part of the street vacated have no action to prevent the city from appropriating the land to the new purpose (*Lynchburg* v. *Peters*, 145 Va. 1, 133 S. E. 674).

Streets and Highways—Impounding of Parked Vehicles.—The legality of a novel method for the enforcement of parking regulations was recently presented in the case of *M. L. Weiss, Inc.* v. *Whalen* (238 N. Y. S. 95, decided Dec. 2, 1929 by the Municipal Court of the City of New York). Under the charter provisions of the City of New York (Greater N. Y. Charter, sec. 315; Laws 1901, c. 466, as amended by Laws 1914, c. 455) and the Code of Ordinances (c. 24, sec. 42) the police commissioner has exclusive control over the vehicular traffic in the City of New York and may make appropriate rules in relation thereto.

In pursuance of this power the police commissioner promulgated regulations prohibiting or restricting the parking of vehicles on streets in specified congested areas during certain periods of the day. However, finding the usual method of prosecuting violators of the parking regulations ineffective to relieve promptly and adequately the congested condition of the streets, the police commissioner declared his intention to treat automobiles unlawfully parked as incum-

brances and to invoke the provisions of the city ordinances (Code, c. 23, sec. 152, subd. 2) which authorizes the street cleaning department to remove such obstructions from the public streets.

The ordinance in question provided (subd. 3) for a judicial proceeding after such removal and vested an action in the street cleaning commissioner for the purpose of making disposition of the property which had been removed, and applying the proceeds of the sale after due notice to the owner. The owner however was permitted (subd. 4) the choice of redeeming his property without any judicial proceeding upon the payment by him of the sum not exceeding $10 to be fixed by the commissioner of street cleaning.

The plaintiff in the instant case left its automobile parked on a street in a restricted area for a period of time in excess of one hour in violation of the parking regulations. The police officer on post, who had this automobile under observation, notified the street cleaning department and the officials of that department removed the automobile as an incumbrance in the street. Subsequently the plaintiff paid the sum of $10 to the commissioner of street cleaning and recovered its automobile as permitted by the provisions of the ordinance referred to above.

The question as to the validity of this entire procedure was raised by the contention of the plaintiff that the $10 paid to the commissioner of street cleaning was paid under protest, "and that it was illegally collected, in that the said ordinance, by virtue of which the plaintiff was compelled to pay the said sum, is unconstitutional; that the action of the commissioner thereunder constitutes an illegal and unwarranted assumption of judicial power; and that the plaintiff has been deprived of its property without due process of law, in violation of both the state and federal Constitution."

The court, however, after pointing out that the mischief intended to be remedied by the ordinance was in the nature of a public nuisance the abatement of which by removal was a reasonable exercise of the police power, held that the proceeding outlined by the ordinance did not deprive plaintiff of a judicial hearing and hence violated none of his constitutional rights.

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City Planning—Control over Filing of Subdivision Maps and Dedication of Streets.—In *Village of Lynbrook* v. *Cadoo*, 169 N. E. 394, the Court of Appeals of New York upheld the right of the plaintiff to maintain an action for the cancellation of record of a map of a subdivision filed by the owner in the county clerk's office, without the approval of the planning board as required by the Village Law. The statute of 1926 authorizes any village to adopt a map as an official plan, which shall be final and conclusive as to street highways and parks. Section 179 m. of the statute provides:

> No plat of a subdivision of land showing a new street or highway shall be filed or recorded in the office of the county clerk or registrar until it has been approved by a planning board which has been empowered to approve such plats, and such approval be indorsed in writing on the plat in such manner as the planning board may designate. After such plat is approved and filed, subject, however, to review by court as hereinafter provided, the streets, highways and parks shown on such plat shall be and become a part of the official map or plan of the village. The owner of the land or his agent who files the plat may add as part of the plat a notation if he so desires to the effect that no offer of dedication of such streets, highways or parks or any of them is made to the public.

It did not appear that the village of Lynbrook had ever adopted a city map and filed a certificate of that fact with the clerk of Nassau County and it was contended that therefore the statute was inapplicable. The court held, however, that the inhibition against filing an unapproved subdivision plat was not dependent upon the precedent adoption of a village plan and that the legislative control over official maps is supreme. Inaction on the part of the village should not result in defeating the purpose of the legislature with regard to the filing of new plats. The court says that town planning is a new field of legislation, comparable with the recent development of zoning laws and regulations, that its purpose is to preserve a uniform and harmonious development of a village and that the act aims to prevent the individual owner from laying out streets according to his own sweet will without official approval. The village was therefore held entitled to a judgment requiring the county clerk to remove from and cancel of record the map which had been filed by Cadoo without the required approval.

It may be noted that apparently the effect of this decision is to make it impossible for any subdivision plat to be filed as an official map unless the village has acted to avail itself of the provisions of the statute and has adopted and filed a village plan map in the county clerk's office.

If this has been done, then such a private map may be filed, subject to the approval of the planning board. The action of the latter agency is directed to seeing that:

The streets and highways shall be of sufficient width and suitably located to accommodate the prospective traffic and to afford adequate light, air and access of fire-fighting equipment to buildings, and to be coördinated so as to compose a convenient system; that the land shown on such plats shall be provided with proper sanitary and drainage conditions; and that the parks shall be of reasonable size for neighborhood playgrounds or other recreation uses. In making such determination regarding streets, highways and parks the planning board shall take into consideration the prospective character of the development, whether dense residence, open residence, business or industrial.

It is apparent that the power of the planning board, while discretionary, is necessarily limited by the requirement of reasonableness, which the law reads into the exercise of all powers conferred upon municipal corporations. We may assume that the courts of New York will apply the same rules as to this point as have been applied to a similar statute by the Supreme Judicial Court of Massachusetts. In *Lexington* v. *Surburban Land Co.*, 235 Mass. 108, 126 N. E. 260, the statute provided that:

Any person or corporation desiring to lay out, locate or construct any street or way in any town which accepts the provisions of this act, . . . shall, before the beginning of such construction, submit to said board of survey suitable plans of such street or way, to be prepared in accordance with such rules and regulations as the board may prescribe.

The defendants offered a map for filing which was arbitrarily disapproved by the board of survey, which later caused signs to be erected on the property warning prospective purchasers against buying the lots and filed a bill for an injunction to restrain defendants from removing such signs. In holding that these acts were a direct invasion of the property rights of the petitioner the court said (p. 112):

These allegations fail to show full performance of their statutory duty by the board. Their general power when plans are filed is, not to reject them, but if not satisfied with them to "alter such plans" and "determine" where the streets shall be located and "the width and grades thereof and shall so designate on said plans," and then approve and sign them as thus changed. No power is given to prevent the development of property merely because the board do not like the plans. They must not only point out their objections but indicate how the plans must be changed in order to meet their approval. The design of the statute is that, when a plan is presented by the landowner, if it is not in conformity to the statute and to reasonable rules and regulations, it shall be altered so as to be a proper plan and then, after approval, made a public record.

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Police Power—Classification of Cities for Taxicab Regulation.—Compulsory state-wide insurance of motor carriers has been sustained wherever such laws have been drawn in question. In *Chattanooga Dayton Bus Line* v. *Burney*, 23 S. W. (2d) 669, the Supreme Court of Tennessee upheld the statute which provides for compulsory insurance of all motor vehicles operated for hire over regular routes and between fixed termini in "counties having a population of more than 110,000 by the Federal Census of 1920, or any subsequent Federal Census."

It was urged before the court that the act was not a general law within the constitutional limitation and that its application was confined to the four most populous counties of the state. The court held, however, that the classification was proper, highway congestion and likelihood of accidents having a direct relation to density of population, and that therefore the special regulation in counties of dense population is within the police power and the statute a general law within the meaning of the state constitution.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

Proposed Changes in New York Public Service Commission Law.—And something has been accomplished! Even the cynical must admit that progress has been made, and that incessant kicking has led to constructive proposals in public utility regulation. Our faith in public intelligence has been spurred measurably.

A year ago, after long criticism of public utility regulation in this Department, and by public groups and individuals, especially after a rather sensational editorial drive by the New York *World* for an investigation of the breakdown of regulation in New York, the New York legislature created a special commission to investigate the workings of regulation and to report any changes that should be made in the public interest. We have referred to the work of this Revision Commission from time to time. On March 3 it made its report to the legislature, and we shall summarize the recommendations.

In the final report there was a division in the commission. The majority consisted of the six legislative members, and the minority of the three appointees by Governor Roosevelt.[1] The division, however, cannot be termed political, but rather conservative and progressive. There was substantial agreement upon conditions that exist, and mostly as to what fundamentally should be done. The majority, however, was more cautious in its proposals—but even if its principal recommendations are adopted into law, an almost hallelujah day for public policy will be at hand! But we shall wait with the shouting until the legislature has spoken.

LACK OF YARDSTICK

Throughout the public hearings, the chief topic before the commission was valuation and return. Apart from other considerations—such as inadequacy of staff, personal inclination of commissioners, over-emphasis on judicial attitude—the fundamental fact stood out clear that the basic defect in regulation has been the lack of definite yardstick for the measure of reasonable rates.

The editor of this Department was retained by the Revision Commission to make a survey of rate-making, particularly with regard to valuation and return. In one of his reports he included the following summary, which presents the inherent difficulties with which the public service commission has been struggling:

(a) The "fair value" upon which a company has had the right to receive a return has not been based upon a definite and coherent economic conception; has not been precisely defined; and has been dependent upon various elements, without exact basis of fact, and without fixed weight relative to each other. Hence, the determination of the amount has been subject to dispute both as to principles and facts; has aroused conflict of interest between the companies and the public; and has made procedure cumbersome and expensive. This condition has turned rate-making from an administrative process into a judicial proceeding, contrary to the purpose of the law and the proper function of the commission as an active administrative agency in the public interest.

(b) The amount of "fair value" has been, moreover, a variable quantity, subject to redetermination with changing prices and costs, and, in view of the numerous properties under the jurisdiction of the public service commission, the task of successive readjustments has been impossible of performance. Hence, neither increases nor reductions in rates could be effected promptly as reasonably required for the proper protection of the companies and the public.

(c) The companies have provided a large proportion of the capital invested in public service properties through the issuance of bonds, notes and other securities, which fix by contract the return received by the investors; and have provided a smaller proportion of capital through the issuance of common stock, which does not limit by contract the returns to the investors. Hence, as the "fair value" of an entire property has increased or decreased with changing prices and property costs, and as the rate of return has varied with changing conditions, there has been a disproportionate effect upon the return available for the common stock. This fact has caused financial instability among the companies, not only subjecting the securities to speculative forces, but stimulating excessive property expansions during periods of unduly increasing returns, and retarding new construction as reasonably needed during periods of unduly decreasing returns.

[1] The Senate members are: Hon. John Knight, chairman, William J. Hickey and Warren T. Thayer; Assembly members: Joseph A. McGinnies, Horace M. Stone and Russel G. Dunmore; Governor's appointees: Frank P. Walsh, James C. Bonbright and David C. Adie.

(d) In dealing with public utilities, the law of the state has intended to assure the public reasonable rates, to provide the investors a fair and adequate return, to preserve financial stability among the companies, and to make available new capital funds as reasonably needed for the public service. These purposes have not been, and cannot be, reasonably achieved under the old system of control, because of the indefiniteness and variability of "fair value" and rate of return, and because of the prevailing financial structure of the companies.

FIXED RATE BASE AND RETURN

To meet this situation, I recommended that a fixed or nonvariable rate base be established which would be subject to accounting control and upon which a definite rate of return would be allowed under supervision of the public service commission. As to fixed rate base, a sharp distinction would be drawn between existing properties and future investments. For existing properties, initial valuations would be made on the basis of present conditions, fair to the companies and the public, with reasonable allowance for all factors, including original cost of the properties, reproduction cost, overheads, going value, depreciation, also the fact that the amounts once fixed would not be subject to future changes. The initial valuation for each company would be written permanently into the accounts, and to the amount would be added subsequently only additional investment, subject to accounting control by the public service commission.

Upon the initial valuation, a fair rate of return would be fixed, and this would not be subject to future change. For all additional investments, the actual cost of capital would be allowed. In this way, both the rate of return and the rate base would be definite quantities under exact accounting supervision. The rights of the investors and the obligations of the public would be definitely shown, and there would be no dispute in any adjustment of rates. Suitable provisions would be made for reserves to furnish maximum safeguard of the returns. If commercially feasible, rates would be fixed high enough to cover the full cost of service, including the stipulated returns. The plan would be mandatory under terms fixed by statute, under the administration of the public service commission.

With the coöperation of Professor James C. Bonbright of Columbia University, a member of the Revision Commission, I drafted a bill to carry the plan into explicit legislation. This was adopted by the minority of the Revision Commission—the three members appointed by Governor Roosevelt. The six legislative members agreed that a fixed rate base and return are essential for effective regulation, but, in fear of constitutional objections, they believe that the mandatory feature would not be upheld by the courts against future fluctuations in prices. They recommended, however, that initial valuations should be made virtually as proposed by me, and that limited term contracts between the state and the companies should be entered into, and to embody substantially the provisions included in the mandatory bill.

The difference between the majority and the minority is a matter of immediate expediency, but there was agreement as to fundamental requisites of effective rate control. The minority favors a positive legislative policy. It admits that a constitutional question may be raised, but believes that if the initial valuations are fairly made, and if the plan is then consistently carried out, it will stand judicial scrutiny because of its inherent reasonableness and because of its necessity on administrative and financial grounds. It believes that the majority proposal will prove futile. It can see no reason why an ordinary company should agree to valuations and limited returns, unless it can obtain returns beyond reasonable allowance. In the minority's judgment, if the public interest requires a fixed rate base and return, then this should be established as a matter of law, in full fairness to investors as well as consumers; then the state should be ready to defend the statute in the courts, if constitutional questions are raised. A timorous policy can hardly lead to progress in public policy.

CONTROL OVER HOLDING COMPANIES

Since the present system of regulation was established, there has been extensive growth of intercorporate relations and holding company arrangements. To a very large extent, local operating companies are owned by other companies, and are joined in far-flung systems whose control is outside of the state. The holding companies, with their various subordinate corporations, furnish managerial, engineering, accounting, legal and financial services to the state operating companies; often, also supplies, equipment and construction work.

These arrangements have underlying economic advantages, because of the available large-scale coördination and economy. But they escape jurisdiction and control of the state commission. Payment by the operating company is usually

based upon contracts whose terms are fixed by the holding company, and whose effect, often, is not to reduce costs to the public, but to convey excessive profits under the guise of operating expenses charged to the local companies.

The Revision Commission recommends full control by the public service commission over all such inter-company relations. The bill drafted for the minority provides that all agreements between an operating company and a holding or affiliated corporation, shall require the approval of the public service commission before they become effective, and in granting its approval the commission shall fix as a condition that all payments by the operating company shall be based upon the actual cost to the holding company or affiliated corporation; that the commission shall have the right to examine the accounts and records of the holding company or affiliated corporation with respect to the actual cost and delivery of all services, materials, construction and equipment; and that the commission may reject or require the rescinding of any such contract if, upon investigation, it determines that the arrangements are not in the public interest.

The commission should also have the right to decide whether any given property shall be taken over directly or indirectly by a holding company. Every purchase of a property, every consolidation and reorganization, should require the approval of the commission, and should be allowed only upon a positive determination that the public interest would thus be served.

PEOPLE'S COUNSEL

In the original public service statutes, the underlying purpose was to make the commission the active agency of the state to protect and promote the public interest, but to deal fairly with the companies. In the course of years, however, chiefly as a result of the constant conflict in rate cases, the commission has been largely converted into a court. It holds hearings, receives evidence, and decides upon the record as made. The result is that the companies have their side presented fully and effectively, while the public side goes largely by default. The municipalities or consumers are seldom able to hire counsel and experts to present their case properly. Often, moreover, the companies succeed in keeping the municipalities out of active participation. The public for the most part has not had the protection which was expected under the statutes and which many people assume they possess.

The Revision Commission has given extensive consideration to this situation, and has recommended the institution of a special "people's counsel," whose duty would be to appear before the commission in rate cases, without any judicial responsibilities, but with the sole purpose of presenting the public side, and with the coöperation of the public service commission and its staff as to investigations to be made.

POSITIVE RESPONSIBILITIES

The mere creation of "people's counsel" might be viewed with some doubt as to advisability. It might increase the "judicial" consciousness of the commission, and leave to people's counsel the entire responsibility of representing the public. To avoid this result, the Revision Commission would place upon the public service commission more definite responsibility to the public than provided under present law. A special bureau of research would be created, whose duty it would be to inquire continuously into the larger phases of regulation as to policy and methods, without being involved in a special administrative routine in current cases and procedure. Recommendations were made for additional personnel, and for a revision of salaries, so that competent technical men would not be drawn away by greater financial rewards.

The minority, in its drafted bill, further stated that, inasmuch as utility companies are natural monopolies, they escape normal competition and forces which in other industries result in the advancement of economy and efficiency. To promote progress, therefore, the public service commission should carry on continuous investigations as to attainable improvements of plant, equipment and methods, and, by order or coöperation with the managements, require the companies to make all such changes as will result in greater efficiency and lower costs to the public. The commission should provide for annual or other periodical examinations of the companies' accounts, and exclude all excessive and extravagant costs and all profits to controlling or affiliated companies. It should require the companies to make such exchange or joint use of facilities or service as will avoid needless duplication and effect economical coördination of plant, equipment and operation. It should endeavor to bring about such mergers, consolidations and reorganizations of companies as would be in the

public interest, because of reduction in costs and improvements in service; but not approve any merger, consolidation or reorganization unless it shall be determined to be in the public interest.

The object of both majority and minority is to make the commission a positive agent of the public, but, at the same time, to assure fair treatment for the companies. If the fixed rate base and return are adopted, either in mandatory or contractual form, the judicial character of the commission would virtually disappear, and it could serve directly in promoting efficiency and better service, without creating financial conflict with the companies, and, therefore, without raising judicial questions.

MUNICIPAL OWNERSHIP AND OPERATION

The majority declared that it had made no special study of municipal ownership and operation, and in the absence of complete inquiry no extension of municipal competition with private plants should be permitted, at least not until further attempt has been made to secure effective regulation. But counsel to the Revision Commission, Col. William J. Donovan, in his report pointed a warning finger, that unless the companies do accept effective regulation, the inevitable result must be public ownership and operation.

The minority proposed to grant immediately to the municipalities the full right to institute municipal ownership and operation. It provided also for the possibility of organizing public utility districts to include territory of more than one municipality. This grant is proposed as an additional stimulus to the companies to coöperate with the commission for progressive service and low rates.

RESTRAINING FEDERAL COURTS

One of the principal factors which has helped to break down regulation has been recourse by the companies to the federal courts in rate cases. If the public service commission has done a good job in a rate case, but if the company is dissatisfied, it goes directly to the federal court for an injunction, and thus escapes the jurisdiction of the state court. In the latter, the procedure would be by *certiorari* and *review*, so the record made before the commission would be examined and the propriety of the order would be judged accordingly. The company, however, has the choice of going to the state court or the federal court. Before the latter, a new record is made, usually before a special master, who ordinarily knows little or nothing of valuation and rate-making, and who has an inadequate conception of underlying public policy. The result is not only great waste of effort in the retrial of the facts, but reduced efficiency, poorer decisions, and disruption of state control.

This situation was canvassed thoroughly by the Revision Commission. It recommended that the legislature of the state attempt to obtain action from Congress to limit the jurisdiction of the lower federal courts with respect to intrastate utility cases; that such cases could be taken to the federal courts only after decision by the highest court of the state. In addition, the majority recommended, also, that legislation be enacted to enable the state to take advantage of Section 266 of the United States Judicial Code, providing for observance of comity by the federal courts, to hold back federal action during the pendency of a case in a state tribunal. There is difference of legal opinion as to whether this provision can be applied to public service commission orders.

TURNING POINT IN REGULATION

Notwithstanding the presentation of a majority and minority report, there was striking agreement within the commission upon fundamental points. This applies particularly to recognition of the fact that regulation has not furnished the public protection that was expected.

Whether the majority or minority view prevails before the legislature, the report of the Revision Commission is epoch-making. It furnishes the first comprehensive stock-taking of regulation since the statutes were enacted about twenty-five years ago.

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Dr. Maltbie Heads Public Service Commission.—As a climax of interest in the New York public utility situation, came the unexpected resignation of William A. Prendergast, chairman of the public service commission, effective February 28, 1930. This followed upon repeated criticisms leveled against Mr. Prendergast that he was "corporation-minded," and particularly that he leaned unduly to some companies. He was charged with being chiefly responsible for the ascendancy of the "judicial" view of the commission, as against the public defender idea. Mr. Prendergast's retirement came in connection with the clash of these functions.

The New York Telephone rate case had just been decided by the federal court against the rates previously fixed by the public service

commission. The company attempted to put in a new set of rates without the formal filing required by the state law. Sharp differences of opinion arose as to the powers and duties of the commission; the entire state was agitated, and Governor Roosevelt took the leadership in opposition to the company's action. He desired to have the public service commission take a vigorous public-defender position. Mr. Prendergast viewed the commission's responsibility as judicial, and, therefore, resigned, to give opportunity to appoint someone whose ideas are in harmony with the governor's.

Among numerous names urged upon the governor, the selection fell upon Dr. Milo R. Maltbie. This appointment comes up to the high standard that Governor Roosevelt had announced. Dr. Maltbie was appointed originally to the public service commission, first district, by Governor Hughes. His work as commissioner was outstanding. He should never have been permitted to leave the commission. But when his term expired, he was not reappointed by Governor Whitman. Since leaving the commission, he has devoted himself wholly to the public side in utility matters. He has assisted municipalities and public groups in all parts of the country. He is an authority on valuation, rates and public policy with respect to utilities. He is just and fearless, and his views harmonize with the governor's,—that the commission should stand as the active protector and promoter of the public interest. His appointment fits exceptionally into the present situation, when comprehensive revision of the system of regulation is in prospect.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY ROWLAND A. EGGER
Princeton University

The Anti-Tuberculosis Campaign in Belgium.—The public authorities of the kingdom of Belgium have for some years been engaged in a program designed to reduce the mortality index of tuberculosis in that country. Dr. René Sand presents in the January issue of *Le Mouvement Communal* a retrospective analysis of the accomplishments of Beligum in this connection, and a delineation of the aspects in which the war against tuberculosis seems ineffective. Concretely, the results of the campaign to date may be summarized as follows:

1. The establishment of approximately 100 dispensaries, for the non-institutional treatment of tuberculosis.

2. Nineteen public sanatoriums for pulmonary tuberculosis in Belgium and two in Switzerland, having a total capacity of over 2,000 resident patients.

3. A considerable number of institutions for preventative treatment and colonies, particularly for the children of tubercular parents.

4. Six ship hospitals for tubercular children.

Dr. Sand considers the efforts of the authorities and the workers in the anti-tuberculosis organizations circumscribed by the following factors:

1. Insufficiency of resources of *l'Œuvre Nationale Belge contre la Tuberculose.* The result of this is the non-institutional treatment of many tuberculars, whose ailments are consequently checked and delayed rather than cured. The failure of the communes adequately to aid the tuberculosis hospitals in a financial way has necessitated the discharge of patients in many instances after only three months' treatment; in this manner, the good which the hospitals are able to effect is dissipated by too early return to labor.

2. Inadequacy of the number of sanatoriums. The mortality from tuberculosis in Belgium is approximately 5,500 persons each year. The maximum provision of public care for persons in advanced stages of the disease is less than 3,000 patients. As a result, the public hospitals are always hopelessly congested, and the treatment of those admitted is unavoidably less thorough and careful. In this connection, the difficulty of recruiting adequate numbers of trained technicians—doctors, subalterns, nurses, dietitians, etc.—has appreciably complicated the difficulties of the Society.

3. Insufficient number of preventoriums. Even though *l'Œuvre Nationale de l'Enfance* has assisted materially in the prevention of tubercular infection of children by diseased parents, facilities are inadequate to check the spread of the disease in this senseless fashion.

4. The entire lack of ship hospitals for adults afflicted with tuberculosis of the throat.

5. Lack of colonies for extended convalescence and readaptation of tuberculars, and of sanatoriums for chronic and incurable cases.

The hopeless difficulties imposed by post-war reconstruction have indeed deluged the health authorities and public health societies of Belgium under almost insurmountable problems. They are complicated by the necessities of housing and industrial rehabilitation, and by the severe loss of man-power which the nation sustained in the war. There is more than a passing probability that Belgium will not be able to meet this problem without a substantial increase of assistance afforded by foreign sources.—*Le Mouvement Communal*, January, 1930.

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Open Spaces in Metropolitan Areas.—An already abnormally high and steadily rising tuberculosis rate in the city of Buenos Aires has given rise to a belated investigation of public facilities for open-air exercise and recreation in the greatest of the South American cities. In a memorandum by Dr. A. A. Raimondi, director of the Tornú Hospital and chief of the tuberculosis health work of the Argentine capital, it was indicated that almost 15 per cent of the deaths in Buenos Aires are resultant from tuberculosis. There are over 3,600 cases known to the health authorities in the city. He is convinced, further, that little can be done to alleviate this condition in the absence of adequate parks,

plazas, and open spaces within the city, convenient to the uses of the poorer classes. Dikansky has noted the same general conclusion in his study of populous French cities.[1]

The following table is roughly indicative of public provision of parks and open spaces in the leading world capitals:

Number of inhabitants per hectare[2] of public open space.

Los Angeles	64
Boston	94
Washington	206
San Francisco	214
Vienna	410
Saint Louis	575
Detroit	663
Philadelphia	799
Baltimore	872
New York	943
Berlin	950
New Orleans	1,000
London	1,000
Chicago	1,210
Paris	1,354
Buenos Aires	2,631

Of course, simple acreage is of little significance in determining the adequacy of public open spaces generally, and is of even less importance in the judgment of the availability of open spaces for health purposes. Thus, Berlin, having a system of public parks and *sportplätze* which provides available spaces and facilities near the dwellings and working places of her poorer classes, is doubtless much better off with an index of 950 than St. Louis with 575. Generally speaking, however, the basis of computation utilized, indicative as it is only of gross totals, is a fair indication of public consciousness regarding the necessity of public parks in our modern "seas of stone," as they are characterized by Dr. Böss.

A program of expansion has been suggested, and doubtless will find realization as the result of this study, which proposes to expand the present total park area of Buenos Aires of 857 hectares to a minimum of 2,481. This minimum will make 14 per cent of the total superficial area open spaces, governmentally provided. Intelligently systematized and located, this should be adequate; the proportion in Berlin is slightly less than 15 per cent. —*Revista Argentina de Derecho Municipal y Administración Comunal.*

[1] *La Ville Moderne.*

[2] An hectare is approximately 2.47 acres.

The Housing Problem in German *Grossstädten.*—The decade since Weimar has witnessed acute development in the housing problem of Germany's metropolitan regions. The following table, compiled by *Stadtoberamtmann* Dr. Friedrich of Nürnberg, indicates the general growth of housing facilities in the 23 largest cities of the Republic.

The increase in dwellings on 23 German cities of over 200,000 population from January, 1924, to June, 1929:

City	*Total Increase*	*Per 10,000 Population*
Berlin	73,960	184
Hamburg	26,772	248
Köln a. Rh.	17,937	257
München	14,338	211
Leipzig	10,579	156
Dresden	14,726	238
Breslau	10,842	189
Essen	8,678	185
Frankfurt a. M.	10,828	234
Düsseldorf	11,493	267
Hannover	10,182	241
Nürnberg	7,799	199
Stuttgart	8,020	235
Chemnitz	5,390	163
Dortmund	5,617	175
Gelsenkirchen-Buer	4,345	142
Bremen	8,526	289
Magdeburg	5,264	180
Königsberg i. Pr.	6,903	247
Duisburg	8,951	329
Stettin	4,566	180
Mannheim	7,463	302
Kiel	2,804	131

The arithmetical norm of increase is 230 dwellings per 10,000 population. Balanced against statistics of net population increase, marriages, internal immigration from the outlying regions, etc., the accretions are found in a number of specific instances to be entirely inadequate. From this it follows that in certain of the metropolitan regions considerable overcrowding exists; particularly among the lower classes has this been found true in specific sociological investigations.

The hardships incident to the decline and revaluation of the mark have been very largely adjusted. Today, the rental figure normally is 120 per cent of the gold rent in 1914. Upon this amount the state levels a special rentals tax, varying among the states from 12 to about 48

per cent. The proceeds of this tax are utilized for the construction of public housing facilities. As a result of this program and the construction of public facilities incident to it, the actual physical shortage, as well as the shortage due to rental readjustment, has been largely eliminated in all except the larger cities studied.

Dr. Friedrich is optimistic concerning the capacity of the municipalities, with the coöperation which the state is offering at the present time, in the course of a few years effectively to eliminate the more undesirable aspects of the housing crisis. He insists, however, that with present restrictions upon the basis of municipal taxation, the state must increasingly devote its attention and resources to the solution of the housing crisis in the metropolitan areas, believing that the moderate-sized cities are better able to cope with their own problems without considerable central aid than the industrial regions in which the shortage exists with marked acuteness. —*Zeitschrift für Kommunalwirtschaft*, February 10, 1930.

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Refuse Disposal in Paris.—The French Government is making an appreciable contribution to the early liquidation of her foreign obligations by way of certain economies in refuse disposal currently practiced in the Parisian region. Every morning about 700 motor-trucks traverse the city collecting the daily refuse supply. Four disposal plants are in operation at Saint-Ouen, Romainville, Issy-les-Moulineaux, and Ivry-sur-Seine. The refuse is tipped upon a traveling belt over which operate low-speed gangs of sorters, which remove articles such as bones, rags, paper, metals, glass, broken articles, springs wire, etc. This is all sold—the bones for lampblack, the paper for new editions of *Le Rire* and *La Vie Parisienne*, and the metals for recasting. Only household refuse now remains.

The solider portions of this are then removed, dumped into carts, and distributed for use as fertilizer. It is most extensively employed in the adjacent market-garden district of d'Eragny-Saint-Ouen-L'Aumone-Pontoise. The solider portion of the remainder is then placed in crushing mills, where it is pressed into small pieces, known as powdered refuse. The product is an excellent natural manure, having a content per metric ton of about 5 kgm. of nitrogen, 4 of phosphoric acid, 2 of potash, and 50 of lime. This, of course, varies according to the season; summer refuse contains much fresh vegetable matter, while winter refuse has a preponderance of ash.

The remainder of the refuse is then treated in Brechiot furnaces. The steam pressure created in the process of dehydration is utilized in the motivation of steam turbines which supply electricity to the surrounding area. The clinker formed by the dehydration is broken into small bits, to which are added 200 grams of hydraulic lime per brick. After molding and drying in the autoclave, a grey, glazed, building brick, with a weight of 2 to 2.2 kilograms and a crushing strength of 190 kgm. per square centimetre, is the final product.—*L'Echo des Communes*, October, 1929.

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Legislation Against Atmospheric Contamination in France.—The French Parliament is at the present time considering legislation looking toward an appreciable alleviation of the smoke nuisances which mark many of the urban areas of the republic. The project is expected to cover the following points:

1. Nuisances created by domestic emissions. While the outright abolition of anthracite as a domestic fuel in urban areas is not contemplated, the law is expected in some manner as yet unknown to encourage in these regions the use of trenthracite, coke, semi-coke, gas and electricity. The manufacture of synthetic combustibles has progressed in remarkable fashion in France during recent decades. It is thought that the domestic problem may be susceptible to appreciable suppression by these means.

2. Railways and railway shops. The development of railway electrification, which has received considerable encouragement from the government, is expected to assist in the elimination of this nuisance. In addition, the project seeks to establish absolute maximums of emission from the railway plants. Compulsory electrification in larger urban regions in not unlikely in the near future, although not a part of the present law. Railways will be left to their own devices in suppressing contamination within the absolute limits imposed by the administrative authorities under color of the proposal.

3. Industrial areas. Fume suppression in industrial regions likewise will be regulated by the imposition of absolute maximums of contamination, but the government also proposes, in conjunction with various industrial associa-

tions, to assist in the discovery of more scientific methods of purification than are now available. The administrative organization is designed to be along the lines of inspection utilized in England and the United States at the present time.

The law of 1916, permitting the classification and regulation of certain types of establishments emitting toxic and odorous gases, is inadequate in that it does not provide bases for judgment and the imposition of penalties. From the heterogeneous character of cases arising under the law, actual detailed codal regulation is exceedingly difficult. The extreme penalties in the project passed by the Deputies doubtless will be subject to liberal alteration by the Senate, on account of pressure from the industrial interests, prior to enactment into law. It is questionable whether it is advisable to predetermine standards of contamination and penalties in statutory enactments, further than to delineate, in broad outlines, the policy of the legislature in such matters.

Paris, under a statute of 1898, has been able to effect some industrial regulation of such nuisances. A revision of the law under which the city operates is designed to eliminate certain of the administrative difficulties under which the municipality has been operating by giving the prefect of police broader powers of inspection, and authority to require the coöperation of industrial establishments likely to emit noxious fumes. It is thought that with rational consideration the problem will be eliminated by the industrialists without recourse to coercive measures.—*Le Mouvement Communal*, January, 1930.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES
Secretary

Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since February 1, 1930:

Buffalo Municipal Research Bureau, Inc.:
The Municipal Research Bulletin, Volume 2 (A bound volume of separate issues of the bulletin).

Detroit Bureau of Governmental Research:
Survey of the City Government of Atlantic City, N. J.

Bureau of Efficiency of the County of Los Angeles:
Survey of the Sheriff's Department of the County of Los Angeles, California.

Bureau of Municipal Research of Philadelphia:
History and Functions of the Municipal Court of Philadelphia.

⚜

Tokyo Institute for Municipal Research.—The National Institute of Public Administration has received a collection of 49 reports in Japanese from the Tokyo Institute for Municipal Research. The English titles of the reports show that the governmental problems of Tokyo closely parallel our problems. The following reports show the use which is being made in the Orient of the principles of government devised in this country:

The Commission and City Manager Governments
Municipal Research Work in America
Public Health Administration in American Cities
City School System in America
Modern City Planning by Thomas Adams
Excess Condemnation
Principles of Land Assessment in Cleveland, Ohio
Special Assessments

⚜

California Taxpayers' Association.—The Association has completed a study of the general fund of the state government of California. The general fund is not restricted in the purposes for which the money can be spent but can be used for any state service, such as legislative, judicial or administrative. The findings of the Association with regard to this fund are as follows:

No financial crisis is impending in California's state finances. No new forms of taxation or new sources of revenue need be devised for California unless extravagant spending occurs.

The state government will nearly balance its budget during the current biennium, even though changes in the tax rates were originally expected to reduce the income seriously. The over-run in the budget for the biennium will be but approximately 1.7 per cent of all the authorized expenditures from the general fund.

⚜

Des Moines Bureau of Municipal Research.—The Bureau has completed a comprehensive analysis of the Polk County government. The analysis reveals the following defects: Lack of central financial and administrative authority; too short terms for county officials; absence of definite objectives in county government and measuring sticks for efficient administration; poor-relief jumble; fee and perquisite system, particularly involving sheriff's and county attorney's offices; and certain archaic business practices in county government, such as cumbersome, long-hand method of enrolling taxes and assessments, decentralized purchasing by numerous officials and buying in small lots, absence of inventory accounts, and too prolonged court vacations in summer.

On the other hand, the following improvements in local county government have been made in the past few years: Installation of photographic recording of documents in recorder's office; county highway patrol instituted by sheriff; facilitating issuing of auto licenses by pre-writing of cards by county treasurer; installation of county budget; opening up of purchases to competitive bidding; marked reduction in payrolls and other county expense in 1929; and reduced

voting-machine insurance and placing it on a businesslike basis.

The Bureau has also made the following reports and investigations: Future reductions of city bonds; tax rates of Iowa cities; dance hall licenses; cumbersome long-hand assessment and tax enrollment; and proposed state income tax.

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Bureau of Budget and Efficiency, City of Los Angeles.—The Bureau has recently completed its study of the police and fire departments, which has been under way for twelve months. Comparative data from various large cities were compiled as regards expenditures, personnel and equipment. Each police district was studied intensively. Other subjects studied were the training of policemen, the functions of policewomen, and the need for a new jail and police administration building for the city.

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The National Institute of Public Administration.—The Institute has recently undertaken surveys of the governments of the states of Arkansas and Maine and the city of Williamsburg, Virginia.

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The Ohio Institute.—R. E. Miles, director, has been made a member of the governor's advisory committee on taxation, and vice-chairman of its subcommittee on research. It is expected that somewhat extended studies will be made in anticipation of the next legislative session. The constitutional amendment eliminating the so-called uniform rule, adopted in November, 1929, and effective on January 1, 1931, for the first time will permit fundamental changes to be made in Ohio's taxation system. The Institute will coöperate actively with the governor's committee in its studies.

The Institute has also made a study of election administration in Dayton on behalf of the Dayton Research Association, and is participating in the work of an advisory committee appointed by the secretary of state to formulate plans under recent legislation for the application of permanent registration of voters.

An unpublished report on male prisoners in Ohio penal institutions was submitted to the state department of public welfare.

Special coöperation with chiefs of police and the state bureau of identification resulted in securing uniform crime statistics for January from the police departments of forty of the fifty Ohio cities having over 10,000 population.

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The Thomas Skelton Harrison Foundation, Philadelphia.—The Foundation has just published a report of a study made by the Philadelphia Bureau of Municipal Research entitled *History and Functions of the Municipal Court of Philadelphia.* This is the first of a series of publications in which it is planned to set forth the results of the survey which the Bureau began in 1925 at the request of the Hon. Raymond MacNeille, then president judge of the municipal court, and which the Harrison Foundation has financed.

Philadelphia's municipal court is a large and diverse organization, and the survey is a large survey. It was realized when the survey was planned that it should include a section, serving as an introduction to the court as a whole, which would give something of the history of the court, describe its organization, and discuss the various kinds of jurisdiction exercised by it. With this introduction, the other parts of the survey, dealing with particular activities and with particular organization units, might be seen in better perspective. The report now published is such an introduction to the court and to the survey. Other parts of the survey appraise the work of the court and offer suggestions where improvement is deemed possible.

The report on history and functions was written by Clarence O. Shenton, of the Philadelphia Bar, director of the Thomas Skelton Harrison Foundation, and assistant director of the Bureau of Municipal Research of Philadelphia. Copies of the report are available for free distribution upon application to the Bureau of Municipal Research, 311 South Juniper Street, Philadelphia.

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Schenectady Bureau of Municipal Research.—The Chamber of Commerce and the Bureau will be associated in the distribution of the printed copies of the Long-Term Financial Program which came from the press at the end of March. The city government has ordered 1,000 volumes and the Chamber of Commerce and the Bureau will distribute 1,400. Copies may be obtained by writing to the City Clerk, Schenectady, N. Y. The Bureau plans to inaugurate an intensive campaign, with the support of other civic agen-

cies including the Chamber of Commerce, to have the common council approve the plan officially and to appoint a permanent capital budget commission to supervise it.

It is planned to issue a bulletin showing the per capita expenditures for New York state cities in Schenectady's population class. Union College students, who spend one afternoon a week in the Bureau offices, are engaged in compiling this information.

As a result of the suggestion made in the Bureau's survey of civil service administration, the local civil service commission is engaged in a thoroughgoing revision of its rules. Members of the commission have held conferences with the Bureau concerning the preparation of the regulations and it is expected that the new rules will be of great assistance in the local personnel situation.

The Bureau has been meeting with county officials to discuss a proposed bond issue. The county plans to construct an extensive highway system and to retire the principal of the bonds from motor vehicle and gasoline tax moneys received from the state. The whole matter is being studied by the Bureau and a report will be rendered to members shortly.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Manager Ham Resigns.—Resignation of Clifford W. Ham, president of the International City Managers' Association, as city manager of Pontiac, Mich., has little significance so far as the manager movement itself is concerned.

Pontiac is a manufacturing town which has grown rapidly, is lacking in stability, and is now suffering from the economic depression in the automobile industry. It has, therefore, been easy for several malcontents of the radical type to start a movement critical of the government. This culminated in the signing of recall petitions and in an overwhelming vote for a recall of the commission. The commission must now either resign or stand election against the opposition candidates.

In bringing about this situation the opposition seized upon isolated issues that may or may not have had any basis in truth. For instance, the assessment of certain parcels of property was criticized. It appears, however, that Ham had nothing to do with this branch of the government since the city assessor is appointed by the city commission.

In a period of unemployment it was easy to find plenty of people who thought the poor were being discriminated against in favor of the rich. The city manager, however, while running the gauntlet of criticism, was not forced to resign. In the midst of it all, he was offered a position as president of one of the local banks and accepted.

LENT D. UPSON.

⚜

Dublin Council to Be Restored in New City Manager Plan.—The Lord Mayor and Corporation of Dublin, which the Free State Government suppressed some years ago, replacing them by paid commisioners, are to be restored under the Local Government (Dublin) Bill commonly called the Greater Dublin Bill, the text of which has just been issued. This bill follows in the main the Cork City Management Act of last year.

The new city council will be much less numerous than the old, consisting of only 25 members. There will also be a city manager, who will be appointed by the local appointments commissioners, the body which now makes all local appointments in the Free State under a competitive system.

The area of the city is to be extended by including the urban districts of Pembroke, Rathmines, and Rathgar and certain rural areas.

A novel feature of the bill is the reservation of four seats on the Greater Dublin Council for what are to be known as "commercial members." These will be elected upon a separate register which will include every individual partnership, unincorporated association, and corporate body, who or which is for the time being the rated occupier of any premises valued under the Valuation Acts at not less than £20.

These commercial individuals or bodies may be registered in respect of two or more premises. The number of votes which a commercial elector may exercise is fixed according to the valuation of the premises on the following scale:

Valuation, or aggregate valuations, less than £50, one vote; less than £100, two votes; £150, three votes; £200, four votes; £250, five votes; over £250, six votes.

Voting is to be by the proportional representation system.

Some friction has taken place between the new Cork City council and the city manager. The manager had a dispute with the local Trades Union concerning building methods, in consequence of which a strike took place and the city manager thereupon stopped the pensions of the City Councils Trade Union employees, an action which was both tactless and unjust. Public opinion, however, compelled him to restore the pensions which had been taken away. Certain members of the council are seeking to make this incident a pretext for enlarging their powers, but a great majority of the citizens have no desire to return to the former condition of affairs. The action of the government in applying the Cork City scheme to Dublin proves that they consider it to be a success.

JOHN T. HORGAN.

Cork, Ireland.

⚜

Attempt to Nominate a Really Nonpartisan Candidate Fails in Kansas City, Mo.—Kansas

City is the one city in the country with a city manager charter which is wholly and unblushingly controlled by old-line politicians. The manager, Mr. McElroy, was chosen because he is a partisan, and a major consideration in his appointments has been party politics. Though a nonpartisan ballot is used both at the elimination primary and the final election, heretofore no candidates have appeared except those picked by the rival political machines and their factions.

The Citizens' Union was created in the spring of 1929 to organize nonpartisan sentiment, using the slogan, "Give the Charter a Chance." Two days before March 4, the last day for filing nominating petitions, it had to admit that it could not present a ticket, that the support it had expected to get from religious leaders, men's brotherhoods, business men, and newspapers had not materialized. The sole hope for success of the nonpartisan principle lay in Jerome G. Galvin, whose candidacy as councilman from the fourth district was sponsored by an improvement association. The organization secretary of the Citizens' Union was sent to the district to aid the Galvin Club. For the first time a district candidate circulated leaflets setting forth his nonpartisan platform. In the three weeks preceding the election, "fireside meetings" were held nightly in the homes in the district; a small group of women did house-to-house canvassing, boy scouts gave their help, and an active publicity committee secured more newspaper space than any other councilmanic candidate in the city.

It was realized that it would be a harder task to get the votes counted for Galvin than to get them cast and great efforts were made to secure an honest count. But the election machinery of Missouri is by law definitely under the control of partisans. The election commissioners insisted they had no power to grant watchers of the count to a nonpartisan candidate. The opinion of L. A. Laughlin, an attorney, expert in election law, was to the contrary but could not prevail. The governor was telegraphed, but this, too, proved futile. Later the commissioners offered to appoint special deputy commissioners, but they would be obliged to serve without relief from six in the morning until the completion of the count, a stretch of at least sixteen hours. At the last minute these deputies were allowed to serve at their convenience. This delay in securing such rights prevented the use of them in any adequate manner. Sixty deputies were sworn in and sixty-five precincts had to be left uncovered. The primary, therefore, presented the situation of a truly nonpartisan candidate seeking office under a city charter nonpartisan in theory but possessing practically no rights or protection in the election law. It is no wonder therefore that Mr. Galvin came out fourth in the count in spite of his popularity.

The future action on the part of those interested in nonpartisanship remains in doubt. Whether a new group must arise to lead and organize the movement, whether a reorganization of the Citizens' Union is necessary, or whether that organization can still act as the crystallizing point for the feeling which undoubtedly exists is a question that only the future can solve.

D. I. Cline.

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Corrections in Comparative Tax Table.—

Editor, National Municipal Review:

With reference to the comparative tax rates published in the December (1929) Review, our attention has been called to several corrections which should be made, and which I hope you will find it possible to publish in an early number. These corrections are as follows:

Seattle (20th City). The estimated ratio of assessed value to legal basis should read 68 per cent, instead of 48 per cent; and the final readjusted tax rate $25.85, instead of $18.23.

Oakland (30th City). The legal basis of assessment should be 100 per cent; adjusted uniform 100 per cent tax rate, $59.60; estimated ratio of assessed value to legal basis, 50 per cent; and the final readjusted rate unchanged.

Tacoma (80th City). The legal basis of assessment should read 50 per cent instead of 100 per cent; the adjusted tax rate to uniform basis, $40.07, instead of $80.14; the estimated ratio of assessed value to legal basis, 88 per cent instead of 50 per cent; and the final readjusted tax rate, $35.26, instead of $40.07.

Berkeley (31st City). The estimated ratio of assessed value to legal basis should be 44 per cent, instead of 60 per cent as reported; the readjusted tax rate should be $23.87, instead of $32.22. This correction is due to the fact that there are two separate assessments, the one used for city tax being upon a 55 per cent ratio, and that used for school and county levies being upon a 40 per cent ratio.

Criticism has been received also of the estimated ratio of assessed value to the legal basis,

and the resulting "readjusted tax rate," for several cities.

Pittsburgh (10th City) authorities state that 65 per cent is more nearly correct than the 85 per cent reported, giving a readjusted tax rate of $24.51, instead of $32.05. It should be noted, too, for Pittsburgh that land constituted $573,850,000, or 50.7 per cent, of the total valuation reported; and that the tax rate on land, for city purposes, is $25.

Denver (28th City) reports an estimated ratio of assessed to legal basis of 75 per cent, resulting in a readjusted rate of $24.15.

Providence (29th City) reports an estimated ratio of assessed to legal basis of 75 per cent, resulting in a readjusted rate of $17.62.

New Haven (42nd City) reports an estimated ratio of assessed value to legal basis of 85 per cent, resulting in a readjusted tax rate of $20.40.

Question has been raised as to the correctness of the "legal basis of assessment" of 100 per cent in the case of all California cities, and 50 per cent for all Washington cities, due to the fact that the state boards of equalization in both states work out each year a ratio for all counties to be applied by all local taxing districts. This fact will require consideration in any subsequent tax rate compilation.

Suffice it to state that some of the foregoing corrections indicate a lively desire, upon the part of public officials and citizen agencies, to have the estimated tax burden as accurately reported as possible—an objective the compilers are glad to promote.

C. E. Rightor.

⚜

California Governor Appoints Commission to Study County Home Rule.—Governor C. C. Young of California has appointed a commission to study home rule and local autonomy in county government for the purpose of devising a scheme by which the legislature will be relieved from many matters of strictly local concern. This commission was created by the recent legislature and is to work in a way parallel to the commission on the proposed new constitution. The latter is to recommend to the people the advisability of revising or making a new constitution for the state, to be acted upon in November. The county commission is to report at the next session of the legislature.

The Governor has named on this commission R. W. Blackburn, president of the California Farm Bureau Federation; Thomas M. Carlson, attorney and former legislator; Edwin A. Cottrell, professor of political science at Stanford University; Jonathon S. Dodge, former chairman, Board of Supervisors of Los Angeles County; John N. Edy, city manager of Berkeley; William C. Jerome, auditor of Orange County; William J. Locke, secretary of the League of California Municipalities; Samuel C. May, associate professor of political science in the University of California; and Frank J. McCoy, county planning commissioner, Santa Barbara County. The commission organized on February 22 at Sacramento.

Edwin A. Cottrell.

⚜

New Jersey Considering New Planning Law.—A carefully drafted city planning law is now before the New Jersey legislature. It provides for the adoption of a master plan by the governing body of any municipality, which is to be official and conclusive with respect to the streets, highways, parkways, parks, and playgrounds. Changes in the official map contrary to the recommendations of the planning board can be adopted only by the affirmative vote of at least two-thirds of the governing body.

Platting control is also made more stringent. No plat can be accepted for filing until after approval by the planning board, if it has been empowered to approve such plats, or by the municipal governing body. When approved, a plat becomes a part of the master plan. Sale of lots in unapproved subdivisions is forbidden, and the transfer of lots by metes and bounds is prohibited except under the same conditions as are imposed on platted lands. Future streets are protected by the requirement that no permit shall be issued for a building in the bed of a mapped street unless the owner can show that his property will not yield a reasonable return if no permit so to build is granted. Reasonable requirements designed to promote the public welfare may be imposed as a condition of granting such a permit.

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Citizens' Committee Reviews Detroit's Budget.—According to "Just a Minute," the leaflet issued weekly by the Detroit Bureau of Governmental Research, a committee appointed by Ralph Stone at the request of the city council to review the municipal budget estimates for 1930 and 1931 has reported in favor of the principle

of no increase in the net tax budget although it recognizes that certain mandatory charges, involving no addition to public services but increasing the budget between seven and nine million dollars, must be met. Measures which would eventually result in increased taxation were vetoed until such a time as the council should approve a long-term financial program. Fundamentally, the financial condition of the city is sound, with good budget and accounting systems, but the rapid increase in city expenses is said to bear heavily on property-owners and to be evidenced by increasing delinquency in tax-paying.

The committee is composed of the presidents of a number of large business organizations, and represents a cross-section of the heavy tax-paying interests. It will continue its activities by preparing a long-term financial program for the city.

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Metropolitan Government Proposed for Boston Area.—Boston continues to agitate for some change in the government of the metropolitan district. In his inaugural address, opening his third term as chief executive of Boston, Mayor Curley pointed out that last year the city was required to pay the sum of approximately $4,500,000 as its share of the cost of metropolitan activities conducted under state control. He complains that the cities and towns comprising the metropolitan district have no direct voice in expenditures, and that Boston is practically without representation on the membership of the commissions, although the city bears the major portion of costs.

After reference to the spirit of local autonomy and the analogy of the London County Council, Mayor Curley suggests consideration of the borough system for Boston. He favors the appointment of a committee to investigate the feasibility of a metropolitan governmental district, fashioned along the lines of the London County Council. He is firmly of the opinion that only through the united action of the municipalities within the metropolitan area is worthwhile progress possible.

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The Ohio Governor's Taxation Committee.—After the adoption of an important taxation amendment to the Ohio constitution, in November, the governor named a committee to aid in formulating plans for tax revision. The amendment, effective January 1, 1931, will eliminate the "uniform rule" of property taxation, so far as it concerns personal property; and, with exceptions mainly of transitional character, it will fix 15 mills per dollar as the maximum total property tax rate possible without vote.

The group named consists of about 125 members, representing various economic groups and localities. The committee has set up a general administrative subcommittee and numerous other subcommittees. Some of these are frankly based upon economic interests, such as agriculture, banks, labor, manufacturers, and public utilities. Others, made up of diverse interests, are to foster investigations, regarding, e.g., taxation of personal property and alternatives thereto, business taxes, assessment of real property, etc. A research subcommittee is to direct and coördinate investigations.

The committee, established without funds, is seeking contributions. Meanwhile, it has had assistance from several individuals and research agencies in sounding the problems involved. Certain studies have been undertaken by co-operating agencies. A director of research is to be engaged, and the research program is to be expanded as funds are made available. A report is to be presented in time for the next legislative session, in January, 1931.

J. P. Watson.

The Ohio Institute.

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Save the Capital's Parks.—The American Civic Association has issued a call for national support for the Crampton-Capper Bill providing for the prompt purchase of areas included in the city and regional park plans of the National Capital Park and Planning Commission and the affiliated Maryland and Virginia commissions. The purchase is to be on a coöperative scheme by which the federal government, the District of Columbia, and the states of Maryland and Virginia will share in the cost. The bill contemplates that the federal treasury will make advances without interest to the District and the two states.

The American Civic Association points out that each year adds about a million and a half dollars to the value of the lands to be acquired. The cost at last year's prices has been estimated at more than twenty million dollars. There is, moreover, grave danger that the unspoiled

wooded lands along the Potomac River and other streams will soon be put to uses adverse to park development. The Crampton-Capper Bill has passed the House, but awaits action by the Senate.

Readers will recall that for the past four years a National Capital Park and Planning Commission has been engaged in preparing a regional plan for the Washington area. An inner and an outer park system for the national capital have been indicated on maps. A million dollars a year is now appropriated under an earlier law for the inner park system, but nothing has yet been provided for the outer system.

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A Central Municipal Loan Bureau.—A recent issue of the London *Municipal Journal and Public Works Engineer* discusses a proposal for a municipal loans bureau, made in a petition to the government to investigate the practicability of some scheme to reduce the competition among local authorities desiring to borrow money for capital works. The details of the proposal are set forth in a memorandum by E. J. Johnson, borough treasurer of West Ham. Mr. Johnson suggests that the central government issue a new class of stock, to be called British local government stock. When local authorities require large sums of money for new capital, they will apply to the minister of health for permission to include their requirements in the government's next issue of local government stock. The possession of statutory borrowing powers for the purposes for which the money is wanted would entitle the local authority to participate in the proceeds of the issue. Interest and redemption of the stock would be guaranteed by the government. No new financial burden, however, would be placed upon the government, since each local authority would contribute the amount of the debt service on its own borrowings.

The proposal would seem to have some of the possibilities of economy similar to that effected by centralized purchasing systems with respect to commodities.

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Local Officials Organize Summer School.—The National Association of Local Government Officers, with headquarters in London, will hold at Keble College, Oxford, next August its first summer school. The school will be in session from August 2 to August 16, and Professor Harold J. Laski will deliver the inaugural address. Tutorial courses will be conducted by Dr. H. Finer, Dr. W. A. Robson, and Mr. K. B. Smellie. Subjects cover the structure and law of English local government, the relation between central and local authorities, and necessary changes in local government.

N. A. L. G. O. is the national voluntary organization of local government officers working in all fields. For a number of years it has been active in the training of local government employees and in the improvement of professional standards and conditions of service. There is nothing similar to it in the United States. It is significant that so much of the pressure for improved administration which, in America, comes generally from outside the local service, in England has been developed within the ranks.

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"Facts and Forces in Detroit" was the topic of a conference held jointly by the Detroit Citizens' League and the Wayne County League of Women Voters, on February 27. "Taxation and the City Budget" and "Mayor or Manager—Which?" were the principal topics of the program. Mayor Bowles, Dr. A. R. Hatton, and Dr. Lent D. Upson were the chief speakers.